

House File 2526 - Introduced

HOUSE FILE 2526

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 736)

A BILL FOR

1 An Act relating to and making appropriations for health and
2 human services and including other related provisions and
3 appropriations, and providing effective, retroactive, and
4 applicability date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

DEPARTMENT ON AGING

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,662,988
.....	FTEs	36.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.
2. a. Of the funds appropriated in this section, \$1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt

1 rules for case management services provided under the medical
2 assistance elderly waiver in consultation with the department
3 on aging.

4 b. The department of human services shall review
5 projections for state funding expenditures for reimbursement
6 of case management services under the medical assistance
7 elderly waiver on a quarterly basis and shall determine if an
8 adjustment to the medical assistance reimbursement rates are
9 necessary to provide reimbursement within the state funding
10 amounts budgeted under the appropriations made for the fiscal
11 year for the medical assistance program. Any temporary
12 enhanced federal financial participation that may become
13 available for the medical assistance program during the fiscal
14 year shall not be used in projecting the medical assistance
15 elderly waiver case management budget. The department of human
16 services shall revise such reimbursement rates as necessary to
17 maintain expenditures for medical assistance elderly waiver
18 case management services within the state funding amounts
19 budgeted under the appropriations made for the fiscal year for
20 the medical assistance program.

21 3. Of the funds appropriated in this section, \$129,961 shall
22 be transferred to the department of economic development for
23 the Iowa commission on volunteer services to be used for the
24 retired and senior volunteer program.

25 DIVISION II

26 DEPARTMENT OF PUBLIC HEALTH

27 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. The allocations
28 made in this section may include amounts carried forward from
29 appropriations and allocations made for the same purposes in
30 the previous fiscal year. There is appropriated from the
31 general fund of the state to the department of public health
32 for the fiscal year beginning July 1, 2010, and ending June
33 30, 2011, the following amounts, or so much thereof as is
34 necessary, to be used for the purposes designated:

35 1. ADDICTIVE DISORDERS

1 For reducing the prevalence of use of tobacco, alcohol, and
2 other drugs, and treating individuals affected by addictive
3 behaviors, including gambling, and for not more than the
4 following full-time equivalent positions:

5 \$ 28,974,840
6 FTEs 18.00

7 a. Of the funds appropriated in this subsection, \$7,438,282
8 shall be used for the tobacco use prevention and control
9 initiative, including efforts at the state and local levels, as
10 provided in chapter 142A.

11 (1) The director of public health shall dedicate sufficient
12 resources to promote and ensure retailer compliance with
13 tobacco laws and ordinances relating to persons under 18
14 years of age, and shall prioritize the state's compliance in
15 the allocation of available funds to comply with 42 U.S.C.
16 § 300x-26 and section 453A.2.

17 (2) Of the full-time equivalent positions authorized in
18 this subsection, 2.00 full-time equivalent positions shall
19 be utilized to provide for enforcement of tobacco laws,
20 regulations, and ordinances.

21 (3) Of the funds allocated in this lettered paragraph,
22 \$1,796,508 shall be used for youth programs designed to
23 achieve the goals of the initiative, that are directed by youth
24 participants for youth pursuant to section 142A.9.

25 b. (1) Of the funds appropriated in this subsection,
26 \$17,920,028 shall be used for substance abuse treatment and
27 prevention.

28 (2) It is the intent of the general assembly that from the
29 moneys allocated in this lettered paragraph persons with a dual
30 diagnosis of substance abuse and gambling addictions shall be
31 given priority in treatment services.

32 c. Of the funds appropriated in this subsection, \$300,320
33 shall be used for culturally competent substance abuse
34 treatment pilot projects.

35 (1) The department shall utilize the amount allocated

1 in this lettered paragraph for at least three pilot projects
2 to provide culturally competent substance abuse treatment in
3 various areas of the state. Each pilot project shall target
4 a particular ethnic minority population. The populations
5 targeted shall include but are not limited to African-American,
6 Asian, and Latino.

7 (2) The pilot project requirements shall provide for
8 documentation or other means to ensure access to the cultural
9 competence approach used by a pilot project so that such
10 approach can be replicated and improved upon in successor
11 programs.

12 d. (1) Of the funds appropriated in this subsection,
13 \$3,716,530 shall be used for funding of gambling treatment,
14 including administrative costs and to provide programs
15 which may include but are not limited to outpatient and
16 follow-up treatment for persons affected by problem gambling,
17 rehabilitation and residential treatment programs, information
18 and referral services, education and preventive services, and
19 financial management services. Of the amount allocated in
20 this lettered paragraph, up to \$100,000 may be used for the
21 licensing of gambling treatment programs as provided in section
22 135.150.

23 (2) (a) Notwithstanding any provision to the contrary,
24 to standardize the availability, delivery, cost of
25 delivery, and accountability of gambling and substance abuse
26 treatment services statewide, the department shall continue
27 implementation of a process to create a system for delivery
28 of the treatment services in accordance with the requirements
29 specified in 2008 Iowa Acts, chapter 1187, section 3,
30 subsection 4. To ensure the system provides a continuum of
31 treatment services that best meets the needs of Iowans, the
32 gambling and substance abuse treatment services in an area may
33 be provided either by a single agency or by separate agencies
34 submitting a joint proposal.

35 (b) From the amounts designated for gambling and substance

1 abuse treatment, the department may use up to \$100,000 for
2 administrative costs to continue developing and implementing
3 the process in accordance with subparagraph division (a).

4 (3) The requirement of section 123.53, subsection 3, is
5 met by the appropriations and allocations made in this Act for
6 purposes of substance abuse treatment and addictive disorders
7 for the fiscal year beginning July 1, 2010.

8 2. HEALTHY CHILDREN AND FAMILIES

9 For promoting the optimum health status for children,
10 adolescents from birth through 21 years of age, and families,
11 and for not more than the following full-time equivalent
12 positions:

13	\$	2,693,467
14	FTEs	14.00

15 a. Of the funds appropriated in this subsection, not more
16 than \$738,203 shall be used for the healthy opportunities to
17 experience success (HOPES)-healthy families Iowa (HFI) program
18 established pursuant to section 135.106. The funding shall
19 be distributed to renew the grants that were provided to the
20 grantees that operated the program during the fiscal year
21 ending June 30, 2010.

22 b. Of the funds appropriated in this subsection, \$304,885
23 shall be used to continue to address the healthy mental
24 development of children from birth through five years of age
25 through local evidence-based strategies that engage both the
26 public and private sectors in promoting healthy development,
27 prevention, and treatment for children.

28 c. Of the funds appropriated in this subsection, \$31,597
29 shall be distributed to a statewide dental carrier to provide
30 funds to continue the donated dental services program patterned
31 after the projects developed by the national foundation of
32 dentistry for the handicapped to provide dental services to
33 indigent elderly and disabled individuals.

34 d. Of the funds appropriated in this subsection, \$129,279
35 shall be used for childhood obesity prevention.

1 e. Of the funds appropriated in this subsection, \$171,295
2 shall be used to provide audiological services and hearing
3 aids for children. The department may enter into a contract
4 to administer this paragraph.

5 f. It is the intent of the general assembly that the
6 department of public health shall implement the recommendations
7 of the postnatal tissue and fluid bank task force created in
8 2007 Iowa Acts, chapter 147, based upon the report submitted
9 to the general assembly in November 2007, as funding becomes
10 available. The department shall notify the Iowa Code editor
11 and the persons specified in this Act to receive reports when
12 such funding becomes available.

13 3. CHRONIC CONDITIONS

14 For serving individuals identified as having chronic
15 conditions or special health care needs, and for not more than
16 the following full-time equivalent positions:

17	\$	3,688,908
18	FTEs	3.00

19 a. Of the funds appropriated in this subsection, \$160,582
20 shall be used for grants to individual patients who have
21 phenylketonuria (PKU) to assist with the costs of necessary
22 special foods.

23 b. Of the funds appropriated in this subsection, \$388,682
24 is allocated for continuation of the contracts for resource
25 facilitator services in accordance with section 135.22B,
26 subsection 9, and for brain injury training services and
27 recruiting of service providers to increase the capacity within
28 this state to address the needs of individuals with brain
29 injuries and such individuals' families.

30 c. Of the funds appropriated in this subsection, \$489,085
31 shall be used as additional funding to leverage federal funding
32 through the federal Ryan White Care Act, Tit. II, AIDS drug
33 assistance program supplemental drug treatment grants.

34 d. Of the funds appropriated in this subsection, \$57,013
35 shall be used for the public purpose of providing a grant to an

1 existing national-affiliated organization to provide education,
2 client-centered programs, and client and family support for
3 people living with epilepsy and their families.

4 e. Of the funds appropriated in this subsection, \$788,303
5 shall be used for child health specialty clinics.

6 f. Of the funds appropriated in this subsection, \$408,802
7 shall be used for the comprehensive cancer control program to
8 reduce the burden of cancer in Iowa through prevention, early
9 detection, effective treatment, and ensuring quality of life.

10 g. Of the funds appropriated in this subsection, \$145,550
11 shall be used for cervical and colon cancer screening.

12 4. COMMUNITY CAPACITY

13 For strengthening the health care delivery system at the
14 local level, and for not more than the following full-time
15 equivalent positions:

16	\$ 5,503,037
17	FTEs 21.00

18 a. Of the funds appropriated in this subsection, \$63,592
19 is allocated for a child vision screening program implemented
20 through the university of Iowa hospitals and clinics in
21 collaboration with community empowerment areas.

22 b. Of the funds appropriated in this subsection, \$129,741 is
23 allocated for continuation of an initiative implemented at the
24 university of Iowa and \$117,142 is allocated for continuation
25 of an initiative at the state mental health institute at
26 Cherokee to expand and improve the workforce engaged in
27 mental health treatment and services. The initiatives shall
28 receive input from the university of Iowa, the department
29 of human services, the department of public health, and the
30 mental health, mental retardation, developmental disabilities,
31 and brain injury commission to address the focus of the
32 initiatives.

33 c. Of the funds appropriated in this subsection, \$1,264,812
34 shall be used for essential public health services that promote
35 healthy aging throughout the lifespan, contracted through a

1 formula for local boards of health, to enhance health promotion
2 and disease prevention services.

3 d. Of the funds appropriated in this section, \$130,214 shall
4 be deposited in the governmental public health system fund
5 created in section 135A.8 to be used for the purposes of the
6 fund.

7 e. Of the funds appropriated in this subsection, \$143,150
8 shall be used for the mental health professional shortage area
9 program implemented pursuant to section 135.80.

10 f. Of the funds appropriated in this subsection,
11 \$40,900 shall be used for a grant to a statewide association
12 of psychologists that is affiliated with the American
13 psychological association to be used for continuation of a
14 program to rotate intern psychologists in placements in urban
15 and rural mental health professional shortage areas, as defined
16 in section 135.80.

17 g. Of the funds appropriated in this subsection, the
18 following amounts shall be allocated to the Iowa collaborative
19 safety net provider network established pursuant to section
20 135.153 to be used for the purposes designated:

21 (1) For distribution to the Iowa-Nebraska primary
22 care association for statewide coordination of the Iowa
23 collaborative safety net provider network:

24 \$ 73,620

25 (2) For distribution to the Iowa family planning network
26 agencies for necessary infrastructure, statewide coordination,
27 provider recruitment, service delivery, and provision of
28 assistance to patients in determining an appropriate medical
29 home:

30 \$ 74,517

31 (3) For distribution to the local boards of health that
32 provide direct services for pilot programs in three counties to
33 assist patients in determining an appropriate medical home:

34 \$ 74,517

35 (4) For distribution to maternal and child health centers

1 for pilot programs in three counties to assist patients in
2 determining an appropriate medical home:
3 \$ 74,517

4 (5) For distribution to free clinics for necessary
5 infrastructure, statewide coordination, provider recruitment,
6 service delivery, and provision of assistance to patients in
7 determining an appropriate medical home:
8 \$ 184,050

9 (6) For distribution to rural health clinics for necessary
10 infrastructure, statewide coordination, provider recruitment,
11 service delivery, and provision of assistance to patients in
12 determining an appropriate medical home:
13 \$ 110,430

14 (7) For continuation of the safety net provider patient
15 access to specialty health care initiative as described in 2007
16 Iowa Acts, chapter 218, section 109:
17 \$ 294,480

18 (8) For continuation of the pharmaceutical infrastructure
19 for safety net providers as described in 2007 Iowa Acts,
20 chapter 218, section 108:
21 \$ 294,480

22 The Iowa collaborative safety net provider network may
23 continue to distribute funds allocated pursuant to this
24 lettered paragraph through existing contracts or renewal of
25 existing contracts.

26 h. (1) Of the funds appropriated in this subsection,
27 \$180,000 shall be used for continued implementation of
28 the recommendations of the direct care worker task force
29 established pursuant to 2005 Iowa Acts, chapter 88, based upon
30 the report submitted to the governor and the general assembly
31 in December 2006. The department may use a portion of the
32 funds allocated in this paragraph for an additional position
33 to assist in the continued implementation. The focus of the
34 implementation shall be researching and establishing a system
35 to collect and maintain accurate data on the direct care

1 workforce; beginning the groundwork to establish a board of
2 direct care workers within the department of public health by
3 July 1, 2014; and other recommendations of the task force that
4 result in the development of a state infrastructure to provide
5 stability to the direct care workforce.

6 (2) The department of public health shall report to the
7 persons designated in this Act for submission of reports
8 regarding use of the funds allocated in this lettered
9 paragraph, on or before January 15, 2011.

10 i. (1) Of the funds appropriated in this subsection,
11 \$135,000 shall be used for allocation to an independent
12 statewide direct care worker association for education,
13 outreach, leadership development, mentoring, and other
14 initiatives intended to enhance the recruitment and retention
15 of direct care workers in health and long-term care.

16 (2) Of the funds appropriated in this subsection, \$63,000
17 shall be used to provide conference scholarships to direct care
18 workers.

19 (3) The association specified in this lettered paragraph
20 shall report to the persons designated in this Act for
21 submission of reports on or before January 1, 2011, the use of
22 the funds allocated in this lettered paragraph, any progress
23 made regarding the initiatives specified and in expanding the
24 association statewide, and the number of scholarships provided,
25 and shall include in the report a copy of the association's
26 internal revenue service form 990.

27 j. The department may utilize one of the full-time
28 equivalent positions authorized in this subsection for
29 administration of the activities related to the Iowa
30 collaborative safety net provider network.

31 k. The department may utilize one of the full-time
32 equivalent positions authorized in this subsection for
33 administration of the volunteer health care provider program
34 pursuant to section 135.24.

35 5. HEALTHY AGING

1 To provide public health services that reduce risks and
2 invest in promoting and protecting good health over the
3 course of a lifetime with a priority given to older Iowans and
4 vulnerable populations:

5 \$ 8,045,779

6 a. Of the funds appropriated in this subsection, \$2,209,696
7 shall be used for local public health nursing services.

8 b. Of the funds appropriated in this subsection, \$5,836,083
9 shall be used for home care aide services.

10 6. ENVIRONMENTAL HAZARDS

11 For reducing the public's exposure to hazards in the
12 environment, primarily chemical hazards, and for not more than
13 the following full-time equivalent positions:

14 \$ 900,352

15 FTEs 4.50

16 Of the funds appropriated in this subsection, \$590,380 shall
17 be used for childhood lead poisoning provisions.

18 7. INFECTIOUS DISEASES

19 For reducing the incidence and prevalence of communicable
20 diseases, and for not more than the following full-time
21 equivalent positions:

22 \$ 1,475,095

23 FTEs 5.00

24 8. PUBLIC PROTECTION

25 For protecting the health and safety of the public through
26 establishing standards and enforcing regulations, and for not
27 more than the following full-time equivalent positions:

28 \$ 3,212,987

29 FTEs 130.00

30 a. Of the funds appropriated in this subsection, not more
31 than \$471,690 shall be credited to the emergency medical
32 services fund created in section 135.25. Moneys in the
33 emergency medical services fund are appropriated to the
34 department to be used for the purposes of the fund.

35 b. Of the funds appropriated in this subsection, \$209,229

1 shall be used for sexual violence prevention programming
2 through a statewide organization representing programs serving
3 victims of sexual violence through the department's sexual
4 violence prevention program. The amount allocated in this
5 lettered paragraph shall not be used to supplant funding
6 administered for other sexual violence prevention or victims
7 assistance programs.

8 c. Of the funds appropriated in this subsection, not more
9 than \$485,520 shall be used for the state poison control
10 center.

11 9. RESOURCE MANAGEMENT

12 For establishing and sustaining the overall ability of the
13 department to deliver services to the public, and for not more
14 than the following full-time equivalent positions:

15	\$	956,265
16	FTEs	10.00

17 The university of Iowa hospitals and clinics under the
18 control of the state board of regents shall not receive
19 indirect costs from the funds appropriated in this section.
20 The university of Iowa hospitals and clinics billings to the
21 department shall be on at least a quarterly basis.

22 DIVISION III

23 DEPARTMENT OF VETERANS AFFAIRS

24 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
25 appropriated from the general fund of the state to the
26 department of veterans affairs for the fiscal year beginning
27 July 1, 2010, and ending June 30, 2011, the following amounts,
28 or so much thereof as is necessary, to be used for the purposes
29 designated:

30 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

31 For salaries, support, maintenance, and miscellaneous
32 purposes, including the war orphans educational assistance fund
33 created in section 35.8, and for not more than the following
34 full-time equivalent positions:

35	\$	960,453
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1 FTEs 15.20

2 2. IOWA VETERANS HOME

3 For salaries, support, maintenance, and miscellaneous

4 purposes:

5 \$ 9,630,846

6 a. The Iowa veterans home billings involving the department

7 of human services shall be submitted to the department on at

8 least a monthly basis.

9 b. If there is a change in the employer of employees

10 providing services at the Iowa veterans home under a collective

11 bargaining agreement, such employees and the agreement shall

12 be continued by the successor employer as though there had not

13 been a change in employer.

14 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED

15 VETERANS

16 For provision of educational assistance pursuant to section

17 35.9:

18 \$ 12,731

19 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS

20 FUND STANDING APPROPRIATIONS. Notwithstanding the standing

21 appropriation in the following designated section for the

22 fiscal year beginning July 1, 2010, and ending June 30, 2011,

23 the amounts appropriated from the general fund of the state

24 pursuant to that section for the following designated purposes

25 shall not exceed the following amount:

26 For the county commissions of veterans affairs fund under

27 section 35A.16:

28 \$ 900,000

29 Sec. 5. MERCHANT MARINE BONUS FUND — COUNTY GRANTS. There

30 is appropriated from the merchant marine bonus fund created in

31 section 35A.8 to the department of veterans affairs for the

32 fiscal year beginning July 1, 2010, and ending June 30, 2011,

33 the following amount, or so much thereof as is necessary, to be

34 used for the purposes designated:

35 For the county commissions of veterans affairs fund under

1 section 35A.16:

2 \$ 90,000

3 DIVISION IV

4 DEPARTMENT OF HUMAN SERVICES

5 Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK

6 GRANT. There is appropriated from the fund created in section
7 8.41 to the department of human services for the fiscal year
8 beginning July 1, 2010, and ending June 30, 2011, from moneys
9 received under the federal temporary assistance for needy
10 families (TANF) block grant pursuant to the federal Personal
11 Responsibility and Work Opportunity Reconciliation Act of 1996,
12 Pub. L. No. 104-193, and successor legislation, and from moneys
13 received under the emergency contingency fund for temporary
14 assistance for needy families state program established
15 pursuant to the federal American Recovery and Reinvestment Act
16 of 2009, Pub. L. No. 111-5 § 2101, and successor legislation,
17 the following amounts, or so much thereof as is necessary, to
18 be used for the purposes designated:

19 1. To be credited to the family investment program account
20 and used for assistance under the family investment program
21 under chapter 239B:

22 \$ 24,376,341

23 2. To be credited to the family investment program account
24 and used for the job opportunities and basic skills (JOBS)
25 program and implementing family investment agreements in
26 accordance with chapter 239B:

27 \$ 12,411,528

28 Notwithstanding section 8.33, not more than 5 percent of
29 the moneys designated in this subsection that are allocated
30 by the department for contracted services, other than
31 family self-sufficiency grant services allocated under this
32 subsection, that remain unencumbered or unobligated at the
33 close of the fiscal year shall not revert but shall remain
34 available for expenditure for the purposes designated until
35 the close of the succeeding fiscal year. However, unless such

1 moneys are encumbered or obligated on or before September 30,
2 2011, the moneys shall revert.

3 3. To be used for the family development and
4 self-sufficiency grant program in accordance with section
5 216A.107:

6 \$ 2,898,980

7 Notwithstanding section 8.33, moneys appropriated in this
8 subsection that remain unencumbered or unobligated at the close
9 of the fiscal year shall not revert but shall remain available
10 for expenditure for the purposes designated until the close of
11 the succeeding fiscal year. However, unless such moneys are
12 encumbered or obligated on or before September 30, 2011, the
13 moneys shall revert.

14 4. For field operations:

15 \$ 31,296,232

16 5. For general administration:

17 \$ 3,744,000

18 6. For state child care assistance:

19 \$ 16,382,687

20 Of the funds appropriated in this subsection, \$12,382,687
21 shall be transferred to the child care and development block
22 grant appropriation made by the Eighty-third General Assembly,
23 2010 Session, for the federal fiscal year beginning October 1,
24 2010, and ending September 30, 2011. Of this amount, \$200,000
25 shall be used for provision of educational opportunities to
26 registered child care home providers in order to improve
27 services and programs offered by this category of providers
28 and to increase the number of providers. The department may
29 contract with institutions of higher education or child care
30 resource and referral centers to provide the educational
31 opportunities. Allowable administrative costs under the
32 contracts shall not exceed 5 percent. The application for a
33 grant shall not exceed two pages in length.

34 7. For mental health and developmental disabilities
35 community services:

1 \$ 4,894,052

2 8. For child and family services:

3 \$ 32,084,430

4 9. For child abuse prevention grants:

5 \$ 125,000

6 10. For pregnancy prevention grants on the condition that
7 family planning services are funded:

8 \$ 1,930,067

9 Pregnancy prevention grants shall be awarded to programs
10 in existence on or before July 1, 2010, if the programs are
11 comprehensive in scope and have demonstrated positive outcomes.
12 Grants shall be awarded to pregnancy prevention programs
13 which are developed after July 1, 2010, if the programs are
14 comprehensive in scope and are based on existing models that
15 have demonstrated positive outcomes. Grants shall comply with
16 the requirements provided in 1997 Iowa Acts, chapter 208,
17 section 14, subsections 1 and 2, including the requirement that
18 grant programs must emphasize sexual abstinence. Priority in
19 the awarding of grants shall be given to programs that serve
20 areas of the state which demonstrate the highest percentage of
21 unplanned pregnancies of females of childbearing age within the
22 geographic area to be served by the grant.

23 11. For technology needs and other resources necessary
24 to meet federal welfare reform reporting, tracking, and case
25 management requirements:

26 \$ 1,037,186

27 12. To be credited to the state child care assistance
28 appropriation made in this section to be used for funding of
29 community-based early childhood programs targeted to children
30 from birth through five years of age developed by community
31 empowerment areas as provided in section 28.9:

32 \$ 6,350,000

33 The department shall transfer TANF block grant funding
34 appropriated and allocated in this subsection to the child care
35 and development block grant appropriation in accordance with

1 federal law as necessary to comply with the provisions of this
2 subsection.

3 13. Notwithstanding any provision to the contrary,
4 including but not limited to requirements in section 8.41 or
5 provisions in 2009 or 2010 Iowa Acts regarding the receipt
6 and appropriation of federal block grants, federal funds
7 from the emergency contingency fund for temporary assistance
8 for needy families state program established pursuant to
9 the federal American Recovery and Reinvestment Act of 2009,
10 Pub. L. No. 111-5 § 2101, received by the state during the
11 fiscal year beginning July 1, 2009, and ending June 30, 2010,
12 not otherwise appropriated in this section and remaining
13 available as of July 1, 2010, and received by the state during
14 the fiscal year beginning July 1, 2010, and ending June 30,
15 2011, are appropriated to the extent as may be necessary to
16 be used in the following priority order: to fully fund the
17 family investment program for the fiscal year, to address the
18 contingent provision in paragraph "c", and for state child care
19 assistance program payments for individuals enrolled in the
20 family investment program.

21 a. The federal funds appropriated in this subsection
22 shall be expended only after all other funds appropriated in
23 subsection 1 for assistance under the family investment program
24 under chapter 239B have been expended.

25 b. The department shall, on a quarterly basis, advise the
26 legislative services agency and department of management of
27 the amount of funds appropriated in this subsection that was
28 expended in the prior quarter.

29 c. (1) This lettered paragraph is applicable only if
30 federal funds are not otherwise available for summer youth
31 employment programs administered by the department of workforce
32 development for the fiscal year beginning July 1, 2010.

33 (2) The department of human services shall collaborate
34 with the department of workforce development to secure
35 additional federal funds from the emergency contingency fund

1 for the temporary assistance for needy families state program
2 established pursuant to the federal American Recovery and
3 Reinvestment Act of 2009, Pub. L. No. 115-5 § 2101. This
4 collaboration shall be for the express limited purpose of
5 securing emergency contingency funds to subsidize wages
6 paid on behalf of individuals participating in the summer
7 youth employment program administered by the department of
8 workforce development. Subsidized wages shall be eligible for
9 reimbursement under the terms of the federal American Recovery
10 and Reinvestment Act of 2009, Pub. L. No. 115-5 § 2101, or
11 successor legislation, which may extend the availability of
12 emergency contingency funds. The collaboration between the two
13 agencies shall be formalized through a memorandum of agreement.

14 (3) Federal funds received as the result of this
15 collaboration shall be transferred to the department of
16 workforce development for the sole purpose of covering the
17 costs of wages paid on behalf of individuals participating
18 in the summer youth employment program administered by the
19 department of workforce development. The department of
20 workforce development shall ensure that all expenditures
21 comply with applicable federal requirements and shall be
22 responsible for the repayment of any funds spent in error and
23 any corresponding penalty as well as taking corrective action
24 to address the error. Funds received in excess of the amount
25 of subsidized wages eligible for reimbursement under the terms
26 of the federal American Recovery and Reinvestment Act of 2009,
27 Pub. L. No. 115-5 § 2101, or successor legislation, which may
28 extend the availability of emergency contingency funds, shall
29 be returned by the department of workforce development to
30 the federal government following procedures developed by the
31 federal temporary assistance for needy families agency for that
32 purpose.

33 (4) The department of workforce development shall provide
34 the department of human services with the necessary information
35 to support the request for emergency contingency funds and to

1 report the expenditure of these funds once received pursuant to
2 federal reporting requirements. The responsibilities of both
3 agencies shall be specified in the memorandum of agreement.

4 14. Of the amounts appropriated in this section,
5 \$12,962,008 for the fiscal year beginning July 1, 2010, shall
6 be transferred to the appropriation of the federal social
7 services block grant made for that fiscal year.

8 15. The department may transfer funds allocated in this
9 section to the appropriations made in this Act for general
10 administration and field operations for resources necessary to
11 implement and operate the services referred to in this section
12 and those funded in the appropriation made in this division of
13 this Act for the family investment program from the general
14 fund of the state.

15 Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

16 1. Moneys credited to the family investment program (FIP)
17 account for the fiscal year beginning July 1, 2010, and
18 ending June 30, 2011, shall be used to provide assistance in
19 accordance with chapter 239B.

20 2. The department may use a portion of the moneys credited
21 to the FIP account under this section as necessary for
22 salaries, support, maintenance, and miscellaneous purposes.

23 3. The department may transfer funds allocated in
24 this section to the appropriations in this Act for general
25 administration and field operations for resources necessary to
26 implement and operate the services referred to in this section
27 and those funded in the appropriation made in this division of
28 this Act for the family investment program from the general
29 fund of the state.

30 4. Moneys appropriated in this division of this Act and
31 credited to the FIP account for the fiscal year beginning July
32 1, 2010, and ending June 30, 2011, are allocated as follows:

33 a. To be retained by the department of human services to
34 be used for coordinating with the department of human rights
35 to more effectively serve participants in the FIP program and

1 other shared clients and to meet federal reporting requirements
2 under the federal temporary assistance for needy families block
3 grant:

4 \$ 20,000

5 b. To the department of human rights for staffing,
6 administration, and implementation of the family development
7 and self-sufficiency grant program in accordance with section
8 216A.107:

9 \$ 5,397,251

10 (1) Of the funds allocated for the family development and
11 self-sufficiency grant program in this lettered paragraph,
12 not more than 5 percent of the funds shall be used for the
13 administration of the grant program.

14 (2) The department of human rights may continue to implement
15 the family development and self-sufficiency grant program
16 statewide during fiscal year 2010-2011.

17 c. For the diversion subaccount of the FIP account:

18 \$ 1,698,400

19 A portion of the moneys allocated for the subaccount may
20 be used for field operations salaries, data management system
21 development, and implementation costs and support deemed
22 necessary by the director of human services in order to
23 administer the FIP diversion program.

24 d. For the food stamp employment and training program:

25 \$ 68,059

26 (1) The department shall amend the food stamp employment and
27 training state plan in order to maximize to the fullest extent
28 permitted by federal law the use of the 50-50 match provisions
29 for the claiming of allowable federal matching funds from the
30 United States department of agriculture pursuant to the federal
31 food stamp employment and training program for providing
32 education, employment, and training services for eligible food
33 assistance program participants, including but not limited to
34 related dependent care and transportation expenses.

35 (2) The department shall utilize additional funding

1 available through the federal department of defense for
2 related administrative costs as necessary to expand categorical
3 federal food assistance program eligibility provisions to
4 160 percent of the federal poverty level and eliminate the
5 asset test from eligibility requirements, consistent with
6 federal food assistance program requirements. The department
7 shall design the expanded eligibility provisions to include
8 as many food assistance households as is allowed by federal
9 law. The eligibility provisions shall conform to all federal
10 requirements including requirements addressing individuals who
11 are incarcerated or otherwise ineligible.

12 e. For the JOBS program:

13 \$ 20,652,993

14 5. Of the child support collections assigned under FIP,
15 an amount equal to the federal share of support collections
16 shall be credited to the child support recovery appropriation
17 made in this division of this Act. Of the remainder of the
18 assigned child support collections received by the child
19 support recovery unit, a portion shall be credited to the FIP
20 account, a portion may be used to increase recoveries, and a
21 portion may be used to sustain cash flow in the child support
22 payments account. If as a consequence of the appropriations
23 and allocations made in this section the resulting amounts
24 are insufficient to sustain cash assistance payments and meet
25 federal maintenance of effort requirements, the department
26 shall seek supplemental funding. If child support collections
27 assigned under FIP are greater than estimated or are otherwise
28 determined not to be required for maintenance of effort, the
29 state share of either amount may be transferred to or retained
30 in the child support payment account.

31 6. The department may adopt emergency rules for the family
32 investment, JOBS, food stamp, and medical assistance programs
33 if necessary to comply with federal requirements.

34 Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
35 is appropriated from the general fund of the state to the

1 department of human services for the fiscal year beginning July
2 1, 2010, and ending June 30, 2011, the following amount, or
3 so much thereof as is necessary, to be used for the purpose
4 designated:

5 To be credited to the family investment program (FIP)
6 account and used for family investment program assistance under
7 chapter 239B:

8 \$ 31,735,539

9 1. Of the funds appropriated in this section, \$8,241,465 is
10 allocated for the JOBS program.

11 2. Of the funds appropriated in this section, \$2,518,271 is
12 allocated for the family development and self-sufficiency grant
13 program.

14 3. Notwithstanding section 8.39, for the fiscal year
15 beginning July 1, 2010, if necessary to meet federal
16 maintenance of effort requirements or to transfer federal
17 temporary assistance for needy families block grant funding
18 to be used for purposes of the federal social services block
19 grant or to meet cash flow needs resulting from delays in
20 receiving federal funding or to implement, in accordance with
21 this division of this Act, activities currently funded with
22 juvenile court services, county, or community moneys and state
23 moneys used in combination with such moneys, the department
24 of human services may transfer funds within or between any
25 of the appropriations made in this division of this Act and
26 appropriations in law for the federal social services block
27 grant to the department for the following purposes, provided
28 that the combined amount of state and federal temporary
29 assistance for needy families block grant funding for each
30 appropriation remains the same before and after the transfer:

- 31 a. For the family investment program.
- 32 b. For child care assistance.
- 33 c. For child and family services.
- 34 d. For field operations.
- 35 e. For general administration.

1 f. MH/MR/DD/BI community services (local purchase).

2 This subsection shall not be construed to prohibit the use
3 of existing state transfer authority for other purposes. The
4 department shall report any transfers made pursuant to this
5 subsection to the legislative services agency.

6 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated
7 from the general fund of the state to the department of human
8 services for the fiscal year beginning July 1, 2010, and ending
9 June 30, 2011, the following amount, or so much thereof as is
10 necessary, to be used for the purposes designated:

11 For child support recovery, including salaries, support,
12 maintenance, and miscellaneous purposes, and for not more than
13 the following full-time equivalent positions:

14	\$ 11,827,414
15	FTEs 520.00

16 1. The department shall expend up to \$24,329, including
17 federal financial participation, for the fiscal year beginning
18 July 1, 2010, for a child support public awareness campaign.
19 The department and the office of the attorney general shall
20 cooperate in continuation of the campaign. The public
21 awareness campaign shall emphasize, through a variety of
22 media activities, the importance of maximum involvement of
23 both parents in the lives of their children as well as the
24 importance of payment of child support obligations.

25 2. Federal access and visitation grant moneys shall be
26 issued directly to private not-for-profit agencies that provide
27 services designed to increase compliance with the child access
28 provisions of court orders, including but not limited to
29 neutral visitation sites and mediation services.

30 3. The appropriation made to the department for child
31 support recovery may be used throughout the fiscal year in the
32 manner necessary for purposes of cash flow management, and for
33 cash flow management purposes the department may temporarily
34 draw more than the amount appropriated, provided the amount
35 appropriated is not exceeded at the close of the fiscal year.

1 4. With the exception of the funding amount specified,
2 the requirements established under 2001 Iowa Acts, chapter
3 191, section 3, subsection 5, paragraph "c", subparagraph (3),
4 shall be applicable to parental obligation pilot projects for
5 the fiscal year beginning July 1, 2010, and ending June 30,
6 2011. Notwithstanding 441 IAC 100.8, as in effect on June 30,
7 2009, providing for termination of rules relating to the pilot
8 projects the earlier of October 1, 2006, or when legislative
9 authority is discontinued, the rules relating to the pilot
10 projects, as in effect on June 30, 2009, shall remain in effect
11 until June 30, 2011.

12 Sec. 10. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. Any
13 funds remaining in the health care trust fund created in
14 section 453A.35A for the fiscal year beginning July 1, 2010,
15 and ending June 30, 2011, are appropriated to the department
16 of human services to supplement the medical assistance program
17 appropriations made in this Act, for medical assistance
18 reimbursement and associated costs, including program
19 administration and costs associated with implementation.

20 Sec. 11. MEDICAL ASSISTANCE. There is appropriated from the
21 general fund of the state to the department of human services
22 for the fiscal year beginning July 1, 2010, and ending June 30,
23 2011, the following amount, or so much thereof as is necessary,
24 to be used for the purpose designated:

25 For medical assistance reimbursement and associated costs
26 as specifically provided in the reimbursement methodologies
27 in effect on June 30, 2010, except as otherwise expressly
28 authorized by law, including reimbursement for abortion
29 services which shall be available under the medical assistance
30 program only for those abortions which are medically necessary:
31 \$418,921,344

32 1. Medically necessary abortions are those performed under
33 any of the following conditions:

34 a. The attending physician certifies that continuing the
35 pregnancy would endanger the life of the pregnant woman.

1 b. The attending physician certifies that the fetus is
2 physically deformed, mentally deficient, or afflicted with a
3 congenital illness.

4 c. The pregnancy is the result of a rape which is reported
5 within 45 days of the incident to a law enforcement agency or
6 public or private health agency which may include a family
7 physician.

8 d. The pregnancy is the result of incest which is reported
9 within 150 days of the incident to a law enforcement agency
10 or public or private health agency which may include a family
11 physician.

12 e. Any spontaneous abortion, commonly known as a
13 miscarriage, if not all of the products of conception are
14 expelled.

15 2. The department shall utilize not more than \$60,000 of
16 the funds appropriated in this section to continue the AIDS/HIV
17 health insurance premium payment program as established in 1992
18 Iowa Acts, Second Extraordinary Session, chapter 1001, section
19 409, subsection 6. Of the funds allocated in this subsection,
20 not more than \$5,000 may be expended for administrative
21 purposes.

22 3. Of the funds appropriated in this Act to the department
23 of public health for addictive disorders, \$950,000 for the
24 fiscal year beginning July 1, 2010, shall be transferred to
25 the department of human services for an integrated substance
26 abuse managed care system. The department shall not assume
27 management of the substance abuse system in place of the
28 managed care contractor unless such a change in approach is
29 specifically authorized in law. The departments of human
30 services and public health shall work together to maintain
31 the level of mental health and substance abuse services
32 provided by the managed care contractor through the Iowa plan
33 for behavioral health. Each department shall take the steps
34 necessary to continue the federal waivers as necessary to
35 maintain the level of services.

1 4. a. The department shall aggressively pursue options for
2 providing medical assistance or other assistance to individuals
3 with special needs who become ineligible to continue receiving
4 services under the early and periodic screening, diagnosis, and
5 treatment program under the medical assistance program due to
6 becoming 21 years of age who have been approved for additional
7 assistance through the department's exception to policy
8 provisions, but who have health care needs in excess of the
9 funding available through the exception to policy provisions.

10 b. Of the funds appropriated in this section, \$100,000
11 shall be used for participation in one or more pilot projects
12 operated by a private provider to allow the individual or
13 individuals to receive service in the community in accordance
14 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
15 (1999), for the purpose of providing medical assistance or
16 other assistance to individuals with special needs who become
17 ineligible to continue receiving services under the early and
18 periodic screening, diagnosis, and treatment program under
19 the medical assistance program due to becoming 21 years of
20 age who have been approved for additional assistance through
21 the department's exception to policy provisions, but who have
22 health care needs in excess of the funding available through
23 the exception to the policy provisions.

24 5. Of the funds appropriated in this section, up to
25 \$3,050,082 may be transferred to the field operations
26 or general administration appropriations in this Act for
27 operational costs associated with Part D of the federal
28 Medicare Prescription Drug Improvement and Modernization Act
29 of 2003, Pub. L. No. 108-173.

30 6. Of the funds appropriated in this section, not more
31 than \$166,600 shall be used to enhance outreach efforts. The
32 department may transfer funds allocated in this subsection to
33 the appropriations in this division of this Act for general
34 administration, the children's health insurance program, or
35 medical contracts, as necessary, to implement the outreach

1 efforts.

2 7. Of the funds appropriated in this section, up to \$442,100
3 may be transferred to the appropriation in this Act for medical
4 contracts to be used for clinical assessment services related
5 to remedial services in accordance with federal law.

6 8. A portion of the funds appropriated in this section
7 may be transferred to the appropriations in this division of
8 this Act for general administration, medical contracts, the
9 children's health insurance program, or field operations to be
10 used for the state match cost to comply with the payment error
11 rate measurement (PERM) program for both the medical assistance
12 and children's health insurance programs as developed by the
13 centers for Medicare and Medicaid services of the United States
14 department of health and human services to comply with the
15 federal Improper Payments Information Act of 2002, Pub. L. No.
16 107-300.

17 9. It is the intent of the general assembly that the
18 department continue to implement the recommendations of
19 the assuring better child health and development initiative
20 II (ABCDII) clinical panel to the Iowa early and periodic
21 screening, diagnostic, and treatment services healthy mental
22 development collaborative board regarding changes to billing
23 procedures, codes, and eligible service providers.

24 10. Of the funds appropriated in this section, a sufficient
25 amount is allocated to supplement the incomes of residents of
26 nursing facilities, intermediate care facilities for persons
27 with mental illness, and intermediate care facilities for
28 persons with mental retardation, with incomes of less than \$50
29 in the amount necessary for the residents to receive a personal
30 needs allowance of \$50 per month pursuant to section 249A.30A.

31 11. Of the funds appropriated in this section, the following
32 amounts shall be transferred to the appropriations made in this
33 division of this Act for the state mental health institutes:

- 34 a. Cherokee mental health institute \$ 9,098,425
35 b. Clarinda mental health institute \$ 1,977,305

1 c. Independence mental health institute \$ 9,045,894
2 d. Mount Pleasant mental health institute \$ 5,752,587
3 12. a. Of the funds appropriated in this section,
4 \$7,108,069 is allocated for the state match for a
5 disproportionate share hospital payment of \$19,133,430 to
6 hospitals that meet both of the conditions specified in
7 subparagraphs (1) and (2). In addition, the hospitals that
8 meet the conditions specified shall either certify public
9 expenditures or transfer to the medical assistance program
10 an amount equal to provide the nonfederal share for a
11 disproportionate share hospital payment of \$7,500,000. The
12 hospitals that meet the conditions specified shall receive and
13 retain 100 percent of the total disproportionate share hospital
14 payment of \$26,633,430.
15 (1) The hospital qualifies for disproportionate share and
16 graduate medical education payments.
17 (2) The hospital is an Iowa state-owned hospital with more
18 than 500 beds and eight or more distinct residency specialty
19 or subspecialty programs recognized by the American college of
20 graduate medical education.
21 b. Distribution of the disproportionate share payments
22 shall be made on a monthly basis. The total amount of
23 disproportionate share payments including graduate medical
24 education, enhanced disproportionate share, and Iowa
25 state-owned teaching hospital payments shall not exceed the
26 amount of the state's allotment under Pub. L. No. 102-234.
27 In addition, the total amount of all disproportionate
28 share payments shall not exceed the hospital-specific
29 disproportionate share limits under Pub. L. No. 103-66.
30 12A. The university of Iowa hospitals and clinics shall
31 either certify public expenditures or transfer to the medical
32 assistance appropriation an amount equal to provide the
33 nonfederal share for increased medical assistance payments for
34 inpatient hospital services of \$7,500,000. The university of
35 Iowa hospitals and clinics shall receive and retain 100 percent

1 of the total increase in medical assistance payments.

2 13. Of the funds appropriated in this section, up to
3 \$4,601,848 may be transferred to the IowaCare account created
4 in section 249J.24.

5 14. Of the funds appropriated in this section, \$200,000
6 shall be used for the Iowa chronic care consortium pursuant to
7 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
8 Iowa Acts, chapter 179, sections 166 and 167.

9 15. One hundred percent of the nonfederal share of payments
10 to area education agencies that are medical assistance
11 providers for medical assistance-covered services provided to
12 medical assistance-covered children, shall be made from the
13 appropriation made in this section.

14 16. Any new or renewed contract entered into by the
15 department with a third party to administer behavioral health
16 services under the medical assistance program shall provide
17 that any interest earned on payments from the state during
18 the state fiscal year shall be remitted to the department
19 and treated as recoveries to offset the costs of the medical
20 assistance program.

21 17. The department shall continue to implement the
22 provisions in 2007 Iowa Acts, chapter 218, section 124 and
23 section 126, as amended by 2008 Iowa Acts, chapter 1188,
24 section 55, relating to eligibility for certain persons with
25 disabilities under the medical assistance program in accordance
26 with the federal family opportunity Act.

27 18. A portion of the funds appropriated in this section
28 may be transferred to the appropriation in this division of
29 this Act for medical contracts to be used for administrative
30 activities associated with the money follows the person
31 demonstration project.

32 19. Notwithstanding section 8.33, the portion of the
33 funds appropriated in this section that is the result of the
34 application of the increased federal medical assistance match
35 percentage under the federal American Recovery and Reinvestment

1 Act of 2009, to the amount the state pays the federal
2 government as required under the federal Medicare Prescription
3 Drug Improvement and Modernization Act of 2003, known as
4 clawback payments, for the period October 1, 2008, through
5 December 31, 2010, that remains unobligated or unencumbered at
6 the close of the fiscal year, shall not revert to any fund but
7 shall remain available for expenditure for the purposes of the
8 medical assistance program until the close of the succeeding
9 fiscal year.

10 20. The department may transfer any savings generated
11 due to medical assistance program cost containment efforts
12 initiated pursuant to 2010 Iowa Acts, Senate File 2088, if
13 enacted, or executive order 20, issued December 16, 2009, to
14 the medical contracts appropriation made in this division of
15 this Act to defray the increased contract costs associated with
16 implementing such efforts.

17 21. The department shall request a waiver from the centers
18 for Medicare and Medicaid services of the United States
19 department of health and human services to add assisted living
20 services to the home and community-based services waiver
21 for the elderly under the medical assistance program. Upon
22 receipt of federal approval of the waiver, the department shall
23 implement assisted living as a service within the home and
24 community-based services elderly waiver. The department shall
25 adopt rules to implement the approved elderly waiver assisted
26 living service.

27 Sec. 12. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
28 is appropriated from the general fund of the state to the
29 department of human services for the fiscal year beginning July
30 1, 2010, and ending June 30, 2011, the following amount, or
31 so much thereof as is necessary, to be used for the purpose
32 designated:

33 For administration of the health insurance premium payment
34 program, including salaries, support, maintenance, and
35 miscellaneous purposes, and for not more than the following

1 full-time equivalent positions:

2	\$	457,210
3	FTEs	19.00

4 Sec. 13. MEDICAL CONTRACTS. There is appropriated from the
 5 general fund of the state to the department of human services
 6 for the fiscal year beginning July 1, 2010, and ending June 30,
 7 2011, the following amount, or so much thereof as is necessary,
 8 to be used for the purpose designated:

9 For medical contracts, including salaries, support,
 10 maintenance, and miscellaneous purposes, and for not more than
 11 the following full-time equivalent positions:

12	\$	9,683,668
13	FTEs	6.00

14 The department of inspections and appeals shall provide all
 15 state matching funds for survey and certification activities
 16 performed by the department of inspections and appeals.
 17 The department of human services is solely responsible for
 18 distributing the federal matching funds for such activities.

19 Sec. 14. STATE SUPPLEMENTARY ASSISTANCE.

20 1. There is appropriated from the general fund of the
 21 state to the department of human services for the fiscal year
 22 beginning July 1, 2010, and ending June 30, 2011, the following
 23 amount, or so much thereof as is necessary, to be used for the
 24 purpose designated:

25 For the state supplementary assistance program:

26	\$	18,259,235
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27 2. The department shall increase the personal needs
 28 allowance for residents of residential care facilities by the
 29 same percentage and at the same time as federal supplemental
 30 security income and federal social security benefits are
 31 increased due to a recognized increase in the cost of living.
 32 The department may adopt emergency rules to implement this
 33 subsection.

34 3. If during the fiscal year beginning July 1, 2010,
 35 the department projects that state supplementary assistance

1 expenditures for a calendar year will not meet the federal
2 pass-through requirement specified in Tit. XVI of the federal
3 Social Security Act, section 1618, as codified in 42 U.S.C.
4 § 1382g, the department may take actions including but not
5 limited to increasing the personal needs allowance for
6 residential care facility residents and making programmatic
7 adjustments or upward adjustments of the residential care
8 facility or in-home health-related care reimbursement rates
9 prescribed in this division of this Act to ensure that federal
10 requirements are met. In addition, the department may make
11 other programmatic and rate adjustments necessary to remain
12 within the amount appropriated in this section while ensuring
13 compliance with federal requirements. The department may adopt
14 emergency rules to implement the provisions of this subsection.

15 Sec. 15. CHILDREN'S HEALTH INSURANCE PROGRAM.

16 1. There is appropriated from the general fund of the
17 state to the department of human services for the fiscal year
18 beginning July 1, 2010, and ending June 30, 2011, the following
19 amount, or so much thereof as is necessary, to be used for the
20 purpose designated:

21 For maintenance of the healthy and well kids in Iowa (hawk-i)
22 program pursuant to chapter 514I, including supplemental dental
23 services, for receipt of federal financial participation under
24 Tit. XXI of the federal Social Security Act, which creates the
25 children's health insurance program:

26 \$ 23,637,040

27 2. Of the funds appropriated in this section, \$128,950 is
28 allocated for continuation of the contract for advertising and
29 outreach with the department of public health and \$90,050 is
30 allocated for other advertising and outreach.

31 3. If the funds appropriated in this section are
32 insufficient to cover the costs of both full coverage services
33 and supplemental dental services, priority in expenditure of
34 funds shall be given to covering the costs of full coverage
35 services.

1 Sec. 16. CHILD CARE ASSISTANCE. There is appropriated
2 from the general fund of the state to the department of human
3 services for the fiscal year beginning July 1, 2010, and ending
4 June 30, 2011, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For child care programs:

7 \$ 32,325,964

8 1. Of the funds appropriated in this section, \$30,956,537
9 shall be used for state child care assistance in accordance
10 with section 237A.13. It is the intent of the general assembly
11 to appropriate sufficient funding for the state child care
12 assistance program for the fiscal year beginning July 1, 2010,
13 in order to avoid establishment of waiting list requirements
14 by the department in the preceding fiscal year in anticipation
15 that enhanced funding under the federal American Recovery and
16 Reinvestment Act of 2009 will not be replaced for the fiscal
17 year beginning July 1, 2010.

18 2. Nothing in this section shall be construed or is
19 intended as or shall imply a grant of entitlement for services
20 to persons who are eligible for assistance due to an income
21 level consistent with the waiting list requirements of section
22 237A.13. Any state obligation to provide services pursuant to
23 this section is limited to the extent of the funds appropriated
24 in this section.

25 3. Of the funds appropriated in this section, \$432,453 is
26 allocated for the statewide program for child care resource
27 and referral services under section 237A.26. A list of the
28 registered and licensed child care facilities operating in the
29 area served by a child care resource and referral service shall
30 be made available to the families receiving state child care
31 assistance in that area.

32 4. Of the funds appropriated in this section, \$936,974
33 is allocated for child care quality improvement initiatives
34 including but not limited to the voluntary quality rating
35 system in accordance with section 237A.30.

1 5. The department may use any of the funds appropriated
2 in this section as a match to obtain federal funds for use in
3 expanding child care assistance and related programs. For
4 the purpose of expenditures of state and federal child care
5 funding, funds shall be considered obligated at the time
6 expenditures are projected or are allocated to the department's
7 service areas. Projections shall be based on current and
8 projected caseload growth, current and projected provider
9 rates, staffing requirements for eligibility determination
10 and management of program requirements including data systems
11 management, staffing requirements for administration of the
12 program, contractual and grant obligations and any transfers
13 to other state agencies, and obligations for decategorization
14 or innovation projects.

15 6. A portion of the state match for the federal child care
16 and development block grant shall be provided as necessary to
17 meet federal matching funds requirements through the state
18 general fund appropriation made for child development grants
19 and other programs for at-risk children in section 279.51.

20 7. If a uniform reduction ordered by the governor under
21 section 8.31 or other operation of law, transfer, or federal
22 funding reduction reduces the appropriation made in this
23 section for the fiscal year, the percentage reduction in the
24 amount paid out to or on behalf of the families participating
25 in the state child care assistance program shall be equal to or
26 less than the percentage reduction made for any other purpose
27 payable from the appropriation made in this section and the
28 federal funding relating to it. If there is an unanticipated
29 increase in federal funding provided for state child care
30 assistance, the entire amount of the increase shall be used for
31 state child care assistance payments. If the appropriations
32 made for purposes of the state child care assistance program
33 for the fiscal year are determined to be insufficient, it is
34 the intent of the general assembly to appropriate sufficient
35 funding for the fiscal year in order to avoid establishment of

1 waiting list requirements.

2 8. Notwithstanding section 8.33, moneys appropriated in
3 this section or received from the federal appropriations made
4 for the purposes of this section that remain unencumbered or
5 unobligated at the close of the fiscal year shall not revert
6 to any fund but shall remain available for expenditure for the
7 purposes designated until the close of the succeeding fiscal
8 year.

9 Sec. 17. JUVENILE INSTITUTIONS. There is appropriated
10 from the general fund of the state to the department of human
11 services for the fiscal year beginning July 1, 2010, and ending
12 June 30, 2011, the following amounts, or so much thereof as is
13 necessary, to be used for the purposes designated:

14 1. For operation of the Iowa juvenile home at Toledo and for
15 salaries, support, maintenance, and miscellaneous purposes, and
16 for not more than the following full-time equivalent positions:

17 \$ 6,977,599
18 FTEs 125.00

19 2. For operation of the state training school at Eldora and
20 for salaries, support, maintenance, and miscellaneous purposes,
21 and for not more than the following full-time equivalent
22 positions:

23 \$ 10,851,062
24 FTEs 202.70

25 3. A portion of the moneys appropriated in this section
26 shall be used by the state training school and by the Iowa
27 juvenile home for grants for adolescent pregnancy prevention
28 activities at the institutions in the fiscal year beginning
29 July 1, 2010.

30 Sec. 18. CHILD AND FAMILY SERVICES.

31 1. There is appropriated from the general fund of the
32 state to the department of human services for the fiscal year
33 beginning July 1, 2010, and ending June 30, 2011, the following
34 amount, or so much thereof as is necessary, to be used for the
35 purpose designated:

1 For child and family services:

2 \$ 79,593,023

3 2. In order to address a reduction of \$5,200,000 from the
4 amount allocated under the appropriation made for the purposes
5 of this section in prior years for purposes of juvenile
6 delinquent graduated sanction services, up to \$5,200,000 of the
7 amount of federal temporary assistance for needy families block
8 grant funding appropriated in this division of this Act for
9 child and family services shall be made available for purposes
10 of juvenile delinquent graduated sanction services.

11 3. The department may transfer funds appropriated in this
12 section as necessary to pay the nonfederal costs of services
13 reimbursed under the medical assistance program, state child
14 care assistance program, or the family investment program which
15 are provided to children who would otherwise receive services
16 paid under the appropriation in this section. The department
17 may transfer funds appropriated in this section to the
18 appropriations made in this division of this Act for general
19 administration and for field operations for resources necessary
20 to implement and operate the services funded in this section.

21 4. a. Of the funds appropriated in this section, up to
22 \$29,233,006 is allocated as the statewide expenditure target
23 under section 232.143 for group foster care maintenance and
24 services. If the department projects that such expenditures
25 for the fiscal year will be less than the target amount
26 allocated in this lettered paragraph, the department may
27 reallocate the excess to provide additional funding for shelter
28 care or the child welfare emergency services addressed with the
29 allocation for shelter care.

30 b. If at any time after September 30, 2010, annualization
31 of a service area's current expenditures indicates a service
32 area is at risk of exceeding its group foster care expenditure
33 target under section 232.143 by more than 5 percent, the
34 department and juvenile court services shall examine all
35 group foster care placements in that service area in order to

1 identify those which might be appropriate for termination.
2 In addition, any aftercare services believed to be needed
3 for the children whose placements may be terminated shall be
4 identified. The department and juvenile court services shall
5 initiate action to set dispositional review hearings for the
6 placements identified. In such a dispositional review hearing,
7 the juvenile court shall determine whether needed aftercare
8 services are available and whether termination of the placement
9 is in the best interest of the child and the community.

10 5. In accordance with the provisions of section 232.188,
11 the department shall continue the child welfare and juvenile
12 justice funding initiative during fiscal year 2010-2011. Of
13 the funds appropriated in this section, \$1,717,753 is allocated
14 specifically for expenditure for fiscal year 2010-2011 through
15 the decategorization service funding pools and governance
16 boards established pursuant to section 232.188.

17 6. A portion of the funds appropriated in this section
18 may be used for emergency family assistance to provide other
19 resources required for a family participating in a family
20 preservation or reunification project or successor project to
21 stay together or to be reunified.

22 7. a. Notwithstanding section 234.35 or any other provision
23 of law to the contrary, state funding for shelter care shall be
24 limited to \$7,894,147. The department may continue or amend
25 shelter care provider contracts to include the child welfare
26 emergency services for children that were implemented pursuant
27 to 2008 Iowa Acts, chapter 1187, section 16, subsection 7.

28 b. The child welfare advisory committee created by the
29 council on human services pursuant to section 217.3A, if
30 enacted by 2010 Iowa Acts, Senate File 2088, section 391, or
31 other appropriate existing body, shall develop recommendations
32 to identify the appropriate capacity for child welfare
33 emergency services for implementation during the fiscal year
34 beginning July 1, 2011. The data being collected regarding
35 child welfare emergency services shall be utilized in

1 developing the recommendations. The recommendations shall be
2 submitted on or before December 15, 2010, to the department and
3 the persons designated by this Act to receive reports.

4 8. Except for federal funds provided by the federal American
5 Recovery and Reinvestment Act of 2009, federal funds received
6 by the state during the fiscal year beginning July 1, 2010,
7 as the result of the expenditure of state funds appropriated
8 during a previous state fiscal year for a service or activity
9 funded under this section are appropriated to the department
10 to be used as additional funding for services and purposes
11 provided for under this section. Notwithstanding section 8.33,
12 moneys received in accordance with this subsection that remain
13 unencumbered or unobligated at the close of the fiscal year
14 shall not revert to any fund but shall remain available for the
15 purposes designated until the close of the succeeding fiscal
16 year.

17 9. Of the funds appropriated in this section, at least
18 \$3,696,285 shall be used for protective child care assistance.

19 10. a. Of the funds appropriated in this section, up to
20 \$2,062,488 is allocated for the payment of the expenses of
21 court-ordered services provided to juveniles who are under the
22 supervision of juvenile court services, which expenses are a
23 charge upon the state pursuant to section 232.141, subsection
24 4. Of the amount allocated in this lettered paragraph, up to
25 \$1,556,287 shall be made available to provide school-based
26 supervision of children adjudicated under chapter 232, of which
27 not more than \$15,000 may be used for the purpose of training.
28 A portion of the cost of each school-based liaison officer
29 shall be paid by the school district or other funding source as
30 approved by the chief juvenile court officer.

31 b. Of the funds appropriated in this section, up to \$748,985
32 is allocated for the payment of the expenses of court-ordered
33 services provided to children who are under the supervision
34 of the department, which expenses are a charge upon the state
35 pursuant to section 232.141, subsection 4.

1 c. Notwithstanding section 232.141 or any other provision
2 of law to the contrary, the amounts allocated in this
3 subsection shall be distributed to the judicial districts
4 as determined by the state court administrator and to the
5 department's service areas as determined by the administrator
6 of the department's division of child and family services. The
7 state court administrator and the division administrator shall
8 make the determination of the distribution amounts on or before
9 June 15, 2010.

10 d. Notwithstanding chapter 232 or any other provision of
11 law to the contrary, a district or juvenile court shall not
12 order any service which is a charge upon the state pursuant
13 to section 232.141 if there are insufficient court-ordered
14 services funds available in the district court or departmental
15 service area distribution amounts to pay for the service. The
16 chief juvenile court officer and the departmental service area
17 manager shall encourage use of the funds allocated in this
18 subsection such that there are sufficient funds to pay for
19 all court-related services during the entire year. The chief
20 juvenile court officers and departmental service area managers
21 shall attempt to anticipate potential surpluses and shortfalls
22 in the distribution amounts and shall cooperatively request the
23 state court administrator or division administrator to transfer
24 funds between the judicial districts' or departmental service
25 areas' distribution amounts as prudent.

26 e. Notwithstanding any provision of law to the contrary,
27 a district or juvenile court shall not order a county to pay
28 for any service provided to a juvenile pursuant to an order
29 entered under chapter 232 which is a charge upon the state
30 under section 232.141, subsection 4.

31 f. Of the funds allocated in this subsection, not more than
32 \$83,000 may be used by the judicial branch for administration
33 of the requirements under this subsection.

34 g. Of the funds allocated in this subsection, \$17,000
35 shall be used by the department of human services to support

1 the interstate commission for juveniles in accordance with
2 the interstate compact for juveniles as provided in section
3 232.173, as enacted by this Act.

4 11. Of the funds appropriated in this section, \$4,522,602 is
5 allocated for juvenile delinquent graduated sanctions services.
6 Any state funds saved as a result of efforts by juvenile court
7 services to earn federal Tit. IV-E match for juvenile court
8 services administration may be used for the juvenile delinquent
9 graduated sanctions services.

10 12. Of the funds appropriated in this section, \$988,285
11 shall be transferred to the department of public health to
12 be used for the child protection center grant program in
13 accordance with section 135.118.

14 13. If the department receives federal approval to
15 implement a waiver under Tit. IV-E of the federal Social
16 Security Act to enable providers to serve children who remain
17 in the children's families and communities, for purposes of
18 eligibility under the medical assistance program, children who
19 participate in the waiver shall be considered to be placed in
20 foster care.

21 14. Of the funds appropriated in this section, \$2,875,281 is
22 allocated for the preparation for adult living program pursuant
23 to section 234.46.

24 15. Of the funds appropriated in this section, \$520,150
25 shall be used for juvenile drug courts. The amount allocated
26 in this subsection shall be distributed as follows:

27 To the judicial branch for salaries to assist with the
28 operation of juvenile drug court programs operated in the
29 following jurisdictions:

- 30 a. Marshall county:
- 31 \$ 62,708
- 32 b. Woodbury county:
- 33 \$ 125,682
- 34 c. Polk county:
- 35 \$ 195,892

1 d. The third judicial district:
2 \$ 67,934

3 e. The eighth judicial district:
4 \$ 67,934

5 16. Of the funds appropriated in this section, \$227,306
6 shall be used for the public purpose of providing a grant to
7 a nonprofit human services organization providing services to
8 individuals and families in multiple locations in southwest
9 Iowa and Nebraska for support of a project providing immediate,
10 sensitive support and forensic interviews, medical exams, needs
11 assessments, and referrals for victims of child abuse and their
12 nonoffending family members.

13 17. Of the funds appropriated in this section, \$125,590
14 is allocated for the elevate approach of providing a support
15 network to children placed in foster care.

16 18. Of the funds appropriated in this section, \$202,000 is
17 allocated for use pursuant to section 235A.1 for continuation
18 of the initiative to address child sexual abuse implemented
19 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
20 21.

21 19. Of the funds appropriated in this section, \$630,240 is
22 allocated for the community partnership for child protection
23 sites.

24 20. Of the funds appropriated in this section, \$371,250
25 is allocated for the department's minority youth and family
26 projects under the redesign of the child welfare system.

27 21. Of the funds appropriated in this section, \$300,000
28 is allocated for funding of the state match for the federal
29 substance abuse and mental health services administration
30 (SAMHSA) system of care grant.

31 Sec. 19. ADOPTION SUBSIDY.

32 1. There is appropriated from the general fund of the
33 state to the department of human services for the fiscal year
34 beginning July 1, 2010, and ending June 30, 2011, the following
35 amount, or so much thereof as is necessary, to be used for the

1 purpose designated:

2 For adoption subsidy payments and services:

3 \$ 31,856,896

4 2. The department may transfer funds appropriated in this
5 section to the appropriation made in this Act for general
6 administration for costs paid from the appropriation relating
7 to adoption subsidy.

8 3. Except for federal funds provided by the federal American
9 Recovery and Reinvestment Act of 2009, federal funds received
10 by the state during the fiscal year beginning July 1, 2010, as
11 the result of the expenditure of state funds during a previous
12 state fiscal year for a service or activity funded under this
13 section are appropriated to the department to be used as
14 additional funding for the services and activities funded under
15 this section. Notwithstanding section 8.33, moneys received
16 in accordance with this subsection that remain unencumbered or
17 unobligated at the close of the fiscal year shall not revert
18 to any fund but shall remain available for expenditure for the
19 purposes designated until the close of the succeeding fiscal
20 year.

21 Sec. 20. JUVENILE DETENTION HOME FUND. Moneys deposited
22 in the juvenile detention home fund created in section 232.142
23 during the fiscal year beginning July 1, 2010, and ending June
24 30, 2011, are appropriated to the department of human services
25 for the fiscal year beginning July 1, 2010, and ending June 30,
26 2011, for distribution of an amount equal to a percentage of
27 the costs of the establishment, improvement, operation, and
28 maintenance of county or multicounty juvenile detention homes
29 in the fiscal year beginning July 1, 2009. Moneys appropriated
30 for distribution in accordance with this section shall be
31 allocated among eligible detention homes, prorated on the basis
32 of an eligible detention home's proportion of the costs of all
33 eligible detention homes in the fiscal year beginning July
34 1, 2009. The percentage figure shall be determined by the
35 department based on the amount available for distribution for

1 the fund. Notwithstanding section 232.142, subsection 3, the
2 financial aid payable by the state under that provision for the
3 fiscal year beginning July 1, 2010, shall be limited to the
4 amount appropriated for the purposes of this section.

5 Sec. 21. FAMILY SUPPORT SUBSIDY PROGRAM.

6 1. There is appropriated from the general fund of the
7 state to the department of human services for the fiscal year
8 beginning July 1, 2010, and ending June 30, 2011, the following
9 amount, or so much thereof as is necessary, to be used for the
10 purpose designated:

11 For the family support subsidy program:

12 \$ 1,167,998

13 2. The department shall use at least \$289,444 of the moneys
14 appropriated in this section for the family support center
15 component of the comprehensive family support program under
16 section 225C.47. Not more than \$25,000 of the amount allocated
17 in this subsection shall be used for administrative costs.

18 3. If at any time during the fiscal year, the amount of
19 funding available for the family support subsidy program
20 is reduced from the amount initially used to establish the
21 figure for the number of family members for whom a subsidy
22 is to be provided at any one time during the fiscal year,
23 notwithstanding section 225C.38, subsection 2, the department
24 shall revise the figure as necessary to conform to the amount
25 of funding available.

26 Sec. 22. CONNER DECREE. There is appropriated from the
27 general fund of the state to the department of human services
28 for the fiscal year beginning July 1, 2010, and ending June 30,
29 2011, the following amount, or so much thereof as is necessary,
30 to be used for the purpose designated:

31 For building community capacity through the coordination
32 and provision of training opportunities in accordance with the
33 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
34 Iowa, July 14, 1994):

35 \$ 33,622

1 state to the department of human services for the fiscal year
2 beginning July 1, 2010, and ending June 30, 2011, the following
3 amounts, or so much thereof as is necessary, to be used for the
4 purposes designated:

5 a. For the state resource center at Glenwood for salaries,
6 support, maintenance, and miscellaneous purposes:
7 \$ 14,982,839

8 b. For the state resource center at Woodward for salaries,
9 support, maintenance, and miscellaneous purposes:
10 \$ 9,312,271

11 2. The department may continue to bill for state resource
12 center services utilizing a scope of services approach used for
13 private providers of ICFMR services, in a manner which does not
14 shift costs between the medical assistance program, counties,
15 or other sources of funding for the state resource centers.

16 3. The state resource centers may expand the time-limited
17 assessment and respite services during the fiscal year.

18 4. If the department's administration and the department
19 of management concur with a finding by a state resource
20 center's superintendent that projected revenues can reasonably
21 be expected to pay the salary and support costs for a new
22 employee position, or that such costs for adding a particular
23 number of new positions for the fiscal year would be less
24 than the overtime costs if new positions would not be added,
25 the superintendent may add the new position or positions. If
26 the vacant positions available to a resource center do not
27 include the position classification desired to be filled, the
28 state resource center's superintendent may reclassify any
29 vacant position as necessary to fill the desired position. The
30 superintendents of the state resource centers may, by mutual
31 agreement, pool vacant positions and position classifications
32 during the course of the fiscal year in order to assist one
33 another in filling necessary positions.

34 5. If existing capacity limitations are reached in
35 operating units, a waiting list is in effect for a service or

1 a special need for which a payment source or other funding
2 is available for the service or to address the special need,
3 and facilities for the service or to address the special need
4 can be provided within the available payment source or other
5 funding, the superintendent of a state resource center may
6 authorize opening not more than two units or other facilities
7 and begin implementing the service or addressing the special
8 need during fiscal year 2010-2011.

9 Sec. 25. MI/MR/DD STATE CASES.

10 1. There is appropriated from the general fund of the
11 state to the department of human services for the fiscal year
12 beginning July 1, 2010, and ending June 30, 2011, the following
13 amount, or so much thereof as is necessary, to be used for the
14 purpose designated:

15 For distribution to counties for state case services
16 for persons with mental illness, mental retardation, and
17 developmental disabilities in accordance with section 331.440:
18 \$ 10,295,207

19 2. For the fiscal year beginning July 1, 2010, and ending
20 June 30, 2011, \$200,000 is allocated for state case services
21 from the amounts appropriated from the fund created in section
22 8.41 to the department of human services from the funds
23 received from the federal government under 42 U.S.C. ch. 6A,
24 subch. XVII, relating to the community mental health center
25 block grant, for the federal fiscal years beginning October
26 1, 2008, and ending September 30, 2009, beginning October 1,
27 2009, and ending September 30, 2010, and beginning October 1,
28 2010, and ending September 30, 2011. The allocation made in
29 this subsection shall be made prior to any other distribution
30 allocation of the appropriated federal funds.

31 3. Notwithstanding section 8.33, moneys appropriated in
32 this section that remain unencumbered or unobligated at the
33 close of the fiscal year shall not revert but shall remain
34 available for expenditure for the purposes designated until the
35 close of the succeeding fiscal year.

1 Sec. 26. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES —
2 COMMUNITY SERVICES FUND. There is appropriated from
3 the general fund of the state to the mental health and
4 developmental disabilities community services fund created in
5 section 225C.7 for the fiscal year beginning July 1, 2010, and
6 ending June 30, 2011, the following amount, or so much thereof
7 as is necessary, to be used for the purpose designated:

8 For mental health and developmental disabilities community
9 services in accordance with this division of this Act:

10 \$ 14,211,100

11 1. Of the funds appropriated in this section, \$14,187,556
12 shall be allocated to counties for funding of community-based
13 mental health and developmental disabilities services. The
14 moneys shall be allocated to a county as follows:

15 a. Fifty percent based upon the county's proportion of the
16 state's population of persons with an annual income which is
17 equal to or less than the poverty guideline established by the
18 federal office of management and budget.

19 b. Fifty percent based upon the county's proportion of the
20 state's general population.

21 2. a. A county shall utilize the funding the county
22 receives pursuant to subsection 1 for services provided to
23 persons with a disability, as defined in section 225C.2.
24 However, no more than 50 percent of the funding shall be used
25 for services provided to any one of the service populations.

26 b. A county shall use at least 50 percent of the funding the
27 county receives under subsection 1 for contemporary services
28 provided to persons with a disability, as described in rules
29 adopted by the department.

30 3. Of the funds appropriated in this section, \$23,544
31 shall be used to support the Iowa compass program providing
32 computerized information and referral services for Iowans with
33 disabilities and their families.

34 4. a. Funding appropriated for purposes of the federal
35 social services block grant is allocated for distribution

1 to counties for local purchase of services for persons with
2 mental illness or mental retardation or other developmental
3 disability.

4 b. The funds allocated in this subsection shall be expended
5 by counties in accordance with the county's county management
6 plan approved by the board of supervisors. A county without
7 an approved county management plan shall not receive allocated
8 funds until the county's management plan is approved.

9 c. The funds provided by this subsection shall be allocated
10 to each county as follows:

11 (1) Fifty percent based upon the county's proportion of the
12 state's population of persons with an annual income which is
13 equal to or less than the poverty guideline established by the
14 federal office of management and budget.

15 (2) Fifty percent based upon the amount provided to the
16 county for local purchase of services in the preceding fiscal
17 year.

18 5. A county is eligible for funds under this section if the
19 county qualifies for a state payment as described in section
20 331.439.

21 6. The most recent population estimates issued by the United
22 States bureau of the census shall be applied for the population
23 factors utilized in this section.

24 7. The governor's developmental disabilities council is
25 requested to facilitate a workgroup of stakeholders to review
26 the status of residential care facilities in the state and
27 the services provided. The membership of the workgroup may
28 include but is not limited to representatives of county central
29 point of coordination administrators, the departments of aging,
30 human services, and inspections and appeals, the office of
31 the citizens' aide and other legislative agencies, and the
32 judicial branch. The issues considered by the workgroup may
33 include identifying the characteristics of clients served such
34 as age, disability, reason for admission and level of care
35 provided; the reasons why such facilities have been closing

1 or downsizing and where clients were placed; the types and
2 usage of alternatives to the facilities; the types of services
3 provided to clients such as Medicaid waiver, rehabilitation,
4 mental health, and aging services; workforce employed by the
5 facilities; client access to health care; financing; and
6 practices used for court-ordered placements. The workgroup
7 shall report, providing findings and recommendations, to the
8 governor and persons designated by this Act for submission of
9 reports on or before December 15, 2010.

10 Sec. 27. SEXUALLY VIOLENT PREDATORS.

11 1. There is appropriated from the general fund of the
12 state to the department of human services for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, the following
14 amount, or so much thereof as is necessary, to be used for the
15 purpose designated:

16 For costs associated with the commitment and treatment of
17 sexually violent predators in the unit located at the state
18 mental health institute at Cherokee, including costs of legal
19 services and other associated costs, including salaries,
20 support, maintenance, and miscellaneous purposes, and for not
21 more than the following full-time equivalent positions:

22	\$ 6,632,660
23	FTEs 105.50

24 2. Unless specifically prohibited by law, if the amount
25 charged provides for recoupment of at least the entire amount
26 of direct and indirect costs, the department of human services
27 may contract with other states to provide care and treatment
28 of persons placed by the other states at the unit for sexually
29 violent predators at Cherokee. The moneys received under
30 such a contract shall be considered to be repayment receipts
31 and used for the purposes of the appropriation made in this
32 section.

33 Sec. 28. FIELD OPERATIONS. There is appropriated from the
34 general fund of the state to the department of human services
35 for the fiscal year beginning July 1, 2010, and ending June 30,

1 2011, the following amount, or so much thereof as is necessary,
2 to be used for the purposes designated:

3 For field operations, including salaries, support,
4 maintenance, and miscellaneous purposes, and for not more than
5 the following full-time equivalent positions:

6 \$ 53,107,624
7 FTEs 2,000.13

8 Priority in filling full-time equivalent positions shall be
9 given to those positions related to child protection services
10 and eligibility determination for low-income families.

11 Sec. 29. GENERAL ADMINISTRATION. There is appropriated
12 from the general fund of the state to the department of human
13 services for the fiscal year beginning July 1, 2010, and ending
14 June 30, 2011, the following amount, or so much thereof as is
15 necessary, to be used for the purpose designated:

16 For general administration, including salaries, support,
17 maintenance, and miscellaneous purposes, and for not more than
18 the following full-time equivalent positions:

19 \$ 15,352,271
20 FTEs 354.33

21 1. Of the funds appropriated in this section, \$43,700
22 allocated for the prevention of disabilities policy council
23 established in section 225B.3.

24 2. The department shall report at least monthly to the
25 legislative services agency concerning the department's
26 operational and program expenditures.

27 Sec. 30. CHILDREN'S MENTAL HEALTH AND CHILD WELFARE
28 SERVICES.

29 1. It is the intent of the general assembly to improve
30 coordination and integration of mental health services and
31 outcomes for children, as well as alignment of the services
32 and outcomes with the child welfare system. The department
33 of human services, in collaboration with providers, shall
34 develop a plan for transitioning administration of the remedial
35 services program from fee-for-service approach to the Iowa

1 plan, behavioral health managed care plan. The transition
2 plan shall address specific strategies for improving service
3 coordination for children and adults; establish vendor
4 performance standards; provide a process for ongoing monitoring
5 of quality of care, performance, and quality improvement
6 technical assistance for providers; identify methods and
7 standards for credentialing remedial providers; and provide
8 implementation timeframes.

9 2. The department shall establish a transition committee
10 that includes representatives from departmental staff for
11 Medicaid, child welfare, field, and mental health services,
12 the director of the Iowa plan, the executive director of an
13 organization representing the majority of remedial services
14 providers, three remedial services providers designated by
15 the executive director of the provider organization, and a
16 remedial services provider who is not a member of the provider
17 organization. The committee shall develop the plan and manage
18 the transition, if the plan is implemented. The plan shall be
19 developed by December 31, 2010. The department may proceed
20 with implementing the plan over the six month period following
21 December 31, 2010, if the department determines that the plan
22 meets the legislative intent identified in subsection 1.

23 Sec. 31. VOLUNTEERS. There is appropriated from the general
24 fund of the state to the department of human services for the
25 fiscal year beginning July 1, 2010, and ending June 30, 2011,
26 the following amount, or so much thereof as is necessary, to be
27 used for the purpose designated:

28 For development and coordination of volunteer services:
29 \$ 84,660

30 Sec. 32. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
31 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
32 DEPARTMENT OF HUMAN SERVICES.

33 1. a. (1) For the fiscal year beginning July 1, 2010,
34 the total state funding amount for the nursing facility budget
35 shall not exceed \$153,126,081.

1 (2) The department, in cooperation with nursing facility
2 representatives, shall review projections for state funding
3 expenditures for reimbursement of nursing facilities on a
4 quarterly basis and the department shall determine if an
5 adjustment to the medical assistance reimbursement rate is
6 necessary in order to provide reimbursement within the state
7 funding amount. Any temporary enhanced federal financial
8 participation that may become available to the Iowa medical
9 assistance program during the fiscal year shall not be used
10 in projecting the nursing facility budget. Notwithstanding
11 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
12 "c", and subsection 3, paragraph "a", subparagraph (2),
13 if the state funding expenditures for the nursing facility
14 budget for the fiscal year beginning July 1, 2010, are
15 projected to exceed the amount specified in subparagraph (1),
16 the department shall adjust the reimbursement for nursing
17 facilities reimbursed under the case-mix reimbursement system
18 to maintain expenditures of the nursing facility budget
19 within the specified amount. The department shall revise such
20 reimbursement as necessary to adjust the annual accountability
21 measures payment in accordance with 2001 Iowa Acts, chapter
22 192, section 4, subsection 4, as amended by 2008 Iowa Acts,
23 chapter 1187, section 33, and as amended by 2009 Iowa Acts,
24 chapter 182, section 33, to implement a pay-for-performance
25 payment.

26 (3) For the fiscal year beginning July 1, 2010, special
27 population nursing facilities shall be reimbursed in accordance
28 with the methodology in effect on November 30, 2009.

29 b. For the fiscal year beginning July 1, 2010, the
30 department shall reimburse pharmacy dispensing fees using a
31 single rate of \$4.34 per prescription or the pharmacy's usual
32 and customary fee, whichever is lower.

33 c. (1) For the fiscal year beginning July 1, 2010,
34 reimbursement rates for outpatient hospital services shall
35 remain at the rates in effect on June 30, 2010.

1 (2) For the fiscal year beginning July 1, 2010,
2 reimbursement rates for inpatient hospital services shall
3 remain at the rates in effect on June 30, 2010.

4 (3) For the fiscal year beginning July 1, 2010, the graduate
5 medical education and disproportionate share hospital fund
6 shall remain at the amount in effect on June 30, 2010.

7 (4) In order to ensure the efficient use of limited state
8 funds in procuring health care services for low-income Iowans,
9 funds appropriated in this Act for hospital services shall
10 not be used for activities which would be excluded from a
11 determination of reasonable costs under the federal Medicare
12 program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

13 d. For the fiscal year beginning July 1, 2010, reimbursement
14 rates for rural health clinics, hospices, independent
15 laboratories, rehabilitation agencies, and acute mental
16 hospitals shall be increased in accordance with increases under
17 the federal Medicare program or as supported by their Medicare
18 audited costs.

19 e. For the fiscal year beginning July 1, 2010, reimbursement
20 rates for home health agencies shall remain at the rates in
21 effect on June 30, 2010, not to exceed a home health agency's
22 actual allowable cost.

23 f. For the fiscal year beginning July 1, 2010, federally
24 qualified health centers shall receive cost-based reimbursement
25 for 100 percent of the reasonable costs for the provision of
26 services to recipients of medical assistance.

27 g. For the fiscal year beginning July 1, 2010, the
28 reimbursement rates for dental services shall remain at the
29 rates in effect on June 30, 2010.

30 h. For the fiscal year beginning July 1, 2010, state-owned
31 psychiatric medical institutions for children shall receive
32 cost-based reimbursement for 100 percent of the actual and
33 allowable costs for the provision of services to recipients of
34 medical assistance. For nonstate-owned psychiatric medical
35 institutions for children, reimbursement shall be determined in

1 accordance with section 249A.31.

2 i. For the fiscal year beginning July 1, 2010, unless
3 otherwise specified in this Act, all noninstitutional medical
4 assistance provider reimbursement rates shall remain at the
5 rates in effect on June 30, 2010, except for area education
6 agencies, local education agencies, infant and toddler services
7 providers, targeted case management, and those providers
8 whose rates are required to be determined pursuant to section
9 249A.20.

10 j. Notwithstanding any provision to the contrary, for the
11 fiscal year beginning July 1, 2010, the reimbursement rate for
12 anesthesiologists shall remain at the rate in effect on June
13 30, 2010.

14 k. Notwithstanding section 249A.20, for the fiscal year
15 beginning July 1, 2010, the average reimbursement rate for
16 health care providers eligible for use of the federal Medicare
17 resource-based relative value scale reimbursement methodology
18 under that section shall remain at the rate in effect on June
19 30, 2010; however, this rate shall not exceed the maximum level
20 authorized by the federal government.

21 l. For the fiscal year beginning July 1, 2010, the
22 reimbursement rate for residential care facilities shall not
23 be less than the minimum payment level as established by the
24 federal government to meet the federally mandated maintenance
25 of effort requirement. The flat reimbursement rate for
26 facilities electing not to file semiannual cost reports shall
27 not be less than the minimum payment level as established
28 by the federal government to meet the federally mandated
29 maintenance of effort requirement.

30 m. For the fiscal year beginning July 1, 2010, inpatient
31 mental health services provided at hospitals shall remain at
32 the rates in effect on June 30, 2010, subject to Medicaid
33 program upper payment limit rules; community mental health
34 centers and providers of mental health services to county
35 residents pursuant to a waiver approved under section 225C.7,

1 subsection 3, shall be reimbursed at 100 percent of the
2 reasonable costs for the provision of services to recipients of
3 medical assistance; and psychiatrists shall be reimbursed at
4 the medical assistance program fee for service rate.

5 n. For the fiscal year beginning July 1, 2010, the
6 reimbursement rate for consumer-directed attendant care shall
7 remain at the rates in effect on June 30, 2010.

8 o. For the fiscal year beginning July 1, 2010, the
9 reimbursement rate for providers of family planning services
10 that are eligible to receive a 90 percent federal match shall
11 remain at the rates in effect on January 31, 2010.

12 p. Unless otherwise provided in this section, the
13 department shall continue the reduction in payments to medical
14 assistance program providers for the fiscal year beginning
15 July 1, 2010, and ending June 30, 2011, in the percentage
16 amount applicable to the respective provider as specified under
17 Executive Order 19.

18 2. For the fiscal year beginning July 1, 2010, the
19 reimbursement rate for providers reimbursed under the
20 in-home-related care program shall not be less than the minimum
21 payment level as established by the federal government to meet
22 the federally mandated maintenance of effort requirement.

23 3. Unless otherwise directed in this section, when the
24 department's reimbursement methodology for any provider
25 reimbursed in accordance with this section includes an
26 inflation factor, this factor shall not exceed the amount
27 by which the consumer price index for all urban consumers
28 increased during the calendar year ending December 31, 2002.

29 4. For the fiscal year beginning July 1, 2010,
30 notwithstanding section 234.38, the foster family basic daily
31 maintenance rate, the maximum adoption subsidy rate, and the
32 maximum supervised apartment living foster care rate, and the
33 preparation for adult living program maintenance rate for
34 children ages 0 through 5 years shall be \$15.54, the rate for
35 children ages 6 through 11 years shall be \$16.16, the rate for

1 children ages 12 through 15 years shall be \$17.69, and the
2 rate for children and young adults ages 16 and older shall be
3 \$18.87.

4 5. For the fiscal year beginning July 1, 2010, the maximum
5 reimbursement rates for social services providers reimbursed
6 under a purchase of social services contract shall remain at
7 the rates in effect on June 30, 2010, or the provider's actual
8 and allowable cost plus inflation for each service, whichever
9 is less. However, the rates may be adjusted under any of the
10 following circumstances:

11 a. If a new service was added after June 30, 2010, the
12 initial reimbursement rate for the service shall be based upon
13 actual and allowable costs.

14 b. If a social service provider loses a source of income
15 used to determine the reimbursement rate for the provider,
16 the provider's reimbursement rate may be adjusted to reflect
17 the loss of income, provided that the lost income was used to
18 support actual and allowable costs of a service purchased under
19 a purchase of service contract.

20 6. For the fiscal year beginning July 1, 2010, the
21 reimbursement rates for family-centered service providers,
22 family foster care service providers, group foster care service
23 providers, and the resource family recruitment and retention
24 contractor shall remain at the rates in effect on June 30,
25 2010.

26 7. The group foster care reimbursement rates paid for
27 placement of children out of state shall be calculated
28 according to the same rate-setting principles as those used for
29 in-state providers, unless the director of human services or
30 the director's designee determines that appropriate care cannot
31 be provided within the state. The payment of the daily rate
32 shall be based on the number of days in the calendar month in
33 which service is provided.

34 8. For the fiscal year beginning July 1, 2010, remedial
35 service providers shall receive the same level of reimbursement

1 under the same methodology in effect on June 30, 2010.

2 9. a. For the fiscal year beginning July 1, 2010,
3 the combined service and maintenance components of the
4 reimbursement rate paid for shelter care services and
5 alternative child welfare emergency services purchased under
6 a contract shall be based on the financial and statistical
7 report submitted to the department. The maximum reimbursement
8 rate shall be \$92.36 per day. The department shall reimburse
9 a shelter care provider at the provider's actual and
10 allowable unit cost, plus inflation, not to exceed the maximum
11 reimbursement rate.

12 b. Notwithstanding section 232.141, subsection 8, for the
13 fiscal year beginning July 1, 2010, the amount of the statewide
14 average of the actual and allowable rates for reimbursement of
15 juvenile shelter care homes that is utilized for the limitation
16 on recovery of unpaid costs shall remain at the amount in
17 effect for this purpose in the preceding fiscal year.

18 10. For the fiscal year beginning July 1, 2010, the
19 department shall calculate reimbursement rates for intermediate
20 care facilities for persons with mental retardation at the
21 80th percentile. Beginning July 1, 2010, the rate calculation
22 methodology shall utilize the consumer price index inflation
23 factor applicable to the fiscal year beginning July 1, 2010.

24 11. For the fiscal year beginning July 1, 2010, for child
25 care providers reimbursed under the state child care assistance
26 program, the department shall set provider reimbursement
27 rates based on the rate reimbursement survey completed in
28 December 2004. Effective July 1, 2010, the child care provider
29 reimbursement rates shall remain at the rates in effect on June
30 30, 2010. The department shall set rates in a manner so as
31 to provide incentives for a nonregistered provider to become
32 registered by applying the increase only to registered and
33 licensed providers.

34 12. For the fiscal year beginning July 1, 2010,
35 reimbursements for providers reimbursed by the department of

1 human services may be modified if appropriated funding is
2 allocated for that purpose from the senior living trust fund
3 created in section 249H.4.

4 13. The department may adopt emergency rules to implement
5 this section.

6 Sec. 33. EMERGENCY RULES.

7 1. If specifically authorized by a provision of this
8 division of this Act, the department of human services or the
9 mental health, mental retardation, developmental disabilities,
10 and brain injury commission may adopt administrative rules
11 under section 17A.4, subsection 3, and section 17A.5,
12 subsection 2, paragraph "b", to implement the provisions and
13 the rules shall become effective immediately upon filing or
14 on a later effective date specified in the rules, unless the
15 effective date is delayed by the administrative rules review
16 committee. Any rules adopted in accordance with this section
17 shall not take effect before the rules are reviewed by the
18 administrative rules review committee. The delay authority
19 provided to the administrative rules review committee under
20 section 17A.4, subsection 7, and section 17A.8, subsection 9,
21 shall be applicable to a delay imposed under this section,
22 notwithstanding a provision in those sections making them
23 inapplicable to section 17A.5, subsection 2, paragraph "b".
24 Any rules adopted in accordance with the provisions of this
25 section shall also be published as notice of intended action
26 as provided in section 17A.4.

27 2. If during the fiscal year beginning July 1, 2010, the
28 department of human services is adopting rules in accordance
29 with this section or as otherwise directed or authorized by
30 state law, and the rules will result in an expenditure increase
31 beyond the amount anticipated in the budget process or if the
32 expenditure was not addressed in the budget process for the
33 fiscal year, the department shall notify the persons designated
34 by this division of this Act for submission of reports,
35 the chairpersons and ranking members of the committees on

1 appropriations, and the department of management concerning the
2 rules and the expenditure increase. The notification shall be
3 provided at least 30 calendar days prior to the date notice of
4 the rules is submitted to the administrative rules coordinator
5 and the administrative code editor.

6 Sec. 34. REPORTS. Any reports or information required to be
7 compiled and submitted under this Act shall be submitted to the
8 chairpersons and ranking members of the joint appropriations
9 subcommittee on health and human services, the legislative
10 services agency, and the legislative caucus staffs on or
11 before the dates specified for submission of the reports or
12 information.

13 Sec. 35. EFFECTIVE DATE. The following provisions of this
14 division of this Act, being deemed of immediate importance,
15 take effect upon enactment:

16 The provision under the appropriation for child and family
17 services, relating to requirements of section 232.143 for
18 representatives of the department of human services and
19 juvenile court services to establish a plan for continuing
20 group foster care expenditures for fiscal year 2010-2011.

21 DIVISION V

22 SENIOR LIVING TRUST FUND,
23 PHARMACEUTICAL SETTLEMENT ACCOUNT,
24 IOWACARE ACCOUNT, HEALTH CARE
25 TRANSFORMATION ACCOUNT, AND MEDICAID FRAUD ACCOUNT

26 Sec. 36. DEPARTMENT ON AGING. There is appropriated from
27 the senior living trust fund created in section 249H.4 to the
28 department on aging for the fiscal year beginning July 1, 2010,
29 and ending June 30, 2011, the following amount, or so much
30 thereof as is necessary, to be used for the purpose designated:

31 For the development and implementation of a comprehensive
32 senior living program, including case management and
33 including program administration and costs associated with
34 implementation:

35 \$ 8,486,698

1 1. a. Of the funds appropriated in this section, \$1,010,000
2 shall be transferred to the department of human services in
3 equal amounts on a quarterly basis for reimbursement of case
4 management services provided under the medical assistance
5 elderly waiver.

6 b. The department of human services shall review
7 projections for state funding expenditures for reimbursement
8 of case management services under the medical assistance
9 elderly waiver on a quarterly basis and shall determine if an
10 adjustment to the medical assistance reimbursement rates are
11 necessary to provide reimbursement within the state funding
12 amounts budgeted under the appropriations made for the fiscal
13 year for the medical assistance program. Any temporary
14 enhanced federal financial participation that may become
15 available for the medical assistance program during the fiscal
16 year shall not be used in projecting the medical assistance
17 elderly waiver case management budget. The department of human
18 services shall revise such reimbursement rates as necessary to
19 maintain expenditures for medical assistance elderly waiver
20 case management services within the state funding amounts
21 budgeted under the appropriations made for the fiscal year for
22 the medical assistance program.

23 2. Notwithstanding section 249H.7, the department on aging
24 shall distribute funds appropriated in this section in a
25 manner that will supplement and maximize federal funds under
26 the federal Older Americans Act and shall not use the amount
27 distributed for any administrative purposes of either the
28 department on aging or the area agencies on aging.

29 3. Of the funds appropriated in this section, \$60,000
30 shall be used to provide dementia-specific education to
31 direct care workers and other providers of long-term care
32 to enhance existing or scheduled efforts through the Iowa
33 caregivers association, the Alzheimer's association, and other
34 organizations identified as appropriate by the department.

35 4. Of the funds appropriated in this section, \$51,000 shall

1 be used to provide funding for the legal hotline for older
2 Iowans.

3 5. Of the funds appropriated in this section, up to \$193,000
4 shall be used to provide state matching funds for the senior
5 community services employment program.

6 Sec. 37. IOWA FINANCE AUTHORITY. There is appropriated
7 from the senior living trust fund created in section 249H.4 to
8 the Iowa finance authority for the fiscal year beginning July
9 1, 2010, and ending June 30, 2011, the following amount, or
10 so much thereof as is necessary, to be used for the purposes
11 designated:

12 For the rent subsidy program, to provide reimbursement for
13 rent expenses to eligible persons:

14 \$ 700,000

15 Participation in the rent subsidy program shall be limited
16 to only those persons who meet the requirements for the nursing
17 facility level of care for home and community-based services
18 waiver services as in effect on July 1, 2010, and to those
19 individuals who are eligible for the federal money follows the
20 person grant program under the medical assistance program. Of
21 the funds appropriated in this section, not more than \$35,000
22 may be used for administrative costs.

23 Sec. 38. DEPARTMENT OF HUMAN SERVICES. Any funds remaining
24 in the senior living trust fund created in section 249H.4
25 following the appropriations from the senior living trust
26 fund made in this division of this Act to the department on
27 aging, the department of inspections and appeals, and the Iowa
28 finance authority, for the fiscal year beginning July 1, 2010,
29 and ending June 30, 2011, are appropriated to the department
30 of human services to supplement the medical assistance
31 program appropriations made in this Act, including program
32 administration and costs associated with implementation. In
33 order to carry out the purposes of this section, the department
34 may transfer funds appropriated in this section to supplement
35 other appropriations made to the department of human services.

1 Sec. 39. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
2 appropriated from the pharmaceutical settlement account created
3 in section 249A.33 to the department of human services for the
4 fiscal year beginning July 1, 2010, and ending June 30, 2011,
5 the following amount, or so much thereof as is necessary, to be
6 used for the purpose designated:

7 To supplement the appropriations made for medical contracts
8 under the medical assistance program:
9 \$ 4,027,613

10 Sec. 40. APPROPRIATIONS FROM IOWACARE ACCOUNT.

11 1. There is appropriated from the IowaCare account
12 created in section 249J.24 to the state board of regents for
13 distribution to the university of Iowa hospitals and clinics
14 for the fiscal year beginning July 1, 2010, and ending June 30,
15 2011, the following amount, or so much thereof as is necessary,
16 to be used for the purposes designated:

17 For salaries, support, maintenance, equipment, and
18 miscellaneous purposes, for the provision of medical and
19 surgical treatment of indigent patients, for provision of
20 services to members of the expansion population pursuant to
21 chapter 249J, and for medical education:
22 \$ 27,284,584

23 a. Funds appropriated in this subsection shall not be used
24 to perform abortions except medically necessary abortions, and
25 shall not be used to operate the early termination of pregnancy
26 clinic except for the performance of medically necessary
27 abortions. For the purpose of this subsection, an abortion is
28 the purposeful interruption of pregnancy with the intention
29 other than to produce a live-born infant or to remove a dead
30 fetus, and a medically necessary abortion is one performed
31 under one of the following conditions:

32 (1) The attending physician certifies that continuing the
33 pregnancy would endanger the life of the pregnant woman.

34 (2) The attending physician certifies that the fetus is
35 physically deformed, mentally deficient, or afflicted with a

1 congenital illness.

2 (3) The pregnancy is the result of a rape which is reported
3 within 45 days of the incident to a law enforcement agency or
4 public or private health agency which may include a family
5 physician.

6 (4) The pregnancy is the result of incest which is reported
7 within 150 days of the incident to a law enforcement agency
8 or public or private health agency which may include a family
9 physician.

10 (5) The abortion is a spontaneous abortion, commonly known
11 as a miscarriage, wherein not all of the products of conception
12 are expelled.

13 b. Notwithstanding any provision of law to the contrary,
14 the amount appropriated in this subsection shall be distributed
15 based on claims submitted, adjudicated, and paid by the Iowa
16 Medicaid enterprise.

17 c. Contingent upon implementation of 2010 Iowa Acts, Senate
18 File 2356, the university of Iowa hospitals and clinics shall
19 certify public expenditures in an amount equal to provide
20 the nonfederal share on total expenditures not to exceed
21 \$20,000,000.

22 2. There is appropriated from the IowaCare account
23 created in section 249J.24 to the state board of regents for
24 distribution to the university of Iowa hospitals and clinics
25 for the fiscal year beginning July 1, 2010, and ending June 30,
26 2011, the following amount, or so much thereof as is necessary,
27 to be used for the purposes designated:

28 For salaries, support, maintenance, equipment, and
29 miscellaneous purposes, for the provision of medical and
30 surgical treatment of indigent patients, for provision of
31 services to members of the expansion population pursuant to
32 chapter 249J, and for medical education:
33 \$ 49,020,031

34 Notwithstanding any provision of law to the contrary, the
35 amount appropriated in this subsection shall be distributed

1 based on claims submitted, adjudicated, and paid by the Iowa
2 Medicaid enterprise.

3 3. Contingent upon enactment of 2010 Iowa Acts, Senate
4 File 2356, there is appropriated from the IowaCare account
5 created in section 249J.24, to the state board of regents for
6 distribution to the university of Iowa college of medicine for
7 the fiscal year beginning July 1, 2010, and ending June 30,
8 2011, the following amount, or so much thereof as is necessary
9 to be used for the purposes designated:

10 For salaries, support, maintenance, equipment, and
11 miscellaneous purposes for the provision of medical and
12 surgical treatment of indigent patients, for provision of
13 services to members of the expansion population pursuant to
14 chapter 249J, and for medical education:

15 \$ 12,000,000

16 Notwithstanding any provision of law to the contrary, the
17 amount appropriated in this subsection shall be distributed
18 based on claims submitted, adjudicated, and paid by the Iowa
19 Medicaid enterprise. Once the entire amount appropriated in
20 this subsection has been distributed, claims shall continue to
21 be submitted and adjudicated by the Iowa Medicaid enterprise;
22 however, no payment shall be made based upon such claims.

23 4. There is appropriated from the IowaCare account created
24 in section 249J.24 to the department of human services for the
25 fiscal year beginning July 1, 2010, and ending June 30, 2011,
26 the following amount, or so much thereof as is necessary, to be
27 used for the purposes designated:

28 For distribution to a publicly owned acute care teaching
29 hospital located in a county with a population over 350,000 for
30 the provision of medical and surgical treatment of indigent
31 patients, for provision of services to members of the expansion
32 population pursuant to chapter 249J, and for medical education:

33 \$ 51,000,000

34 a. Notwithstanding any provision of law to the contrary,
35 the amount appropriated in this subsection shall be distributed

1 based on claims submitted, adjudicated, and paid by the Iowa
2 Medicaid enterprise plus a monthly disproportionate share
3 hospital payment. Any amount appropriated in this subsection
4 in excess of \$48,000,000 shall be distributed only if the sum
5 of the expansion population claims adjudicated and paid by the
6 Iowa Medicaid enterprise plus the estimated disproportionate
7 share hospital payments exceeds \$48,000,000. The amount paid
8 in excess of \$48,000,000 shall not adjust the original monthly
9 payment amount but shall be distributed monthly based on actual
10 claims adjudicated and paid by the Iowa Medicaid enterprise
11 plus the estimated disproportionate share hospital amount. Any
12 amount appropriated in this subsection in excess of \$48,000,000
13 shall be allocated only if federal funds are available to match
14 the amount allocated.

15 b. Notwithstanding the total amount of proceeds distributed
16 pursuant to section 249J.24, subsection 6, paragraph "a",
17 unnumbered paragraph 1, for the fiscal year beginning July
18 1, 2010, and ending June 30, 2011, the county treasurer of a
19 county with a population of over 350,000 in which a publicly
20 owned acute care teaching hospital is located shall distribute
21 the proceeds collected pursuant to section 347.7 in a total
22 amount of \$38,000,000, which would otherwise be distributed to
23 the county hospital, to the treasurer of state for deposit in
24 the IowaCare account.

25 c. (1) Notwithstanding the amount collected and
26 distributed for deposit in the IowaCare account pursuant to
27 section 249J.24, subsection 6, paragraph "a", subparagraph
28 (1), the first \$19,000,000 in proceeds collected pursuant to
29 section 347.7 between July 1, 2010, and December 31, 2010,
30 shall be distributed to the treasurer of state for deposit in
31 the IowaCare account and collections during this time period in
32 excess of \$19,000,000 shall be distributed to the acute care
33 teaching hospital identified in this subsection.

34 (2) Notwithstanding the amount collected and distributed
35 for deposit in the IowaCare account pursuant to section

1 249J.24, subsection 6, paragraph "a", subparagraph (2),
2 the first \$19,000,000 in collections pursuant to section
3 347.7 between January 1, 2011, and June 30, 2011, shall be
4 distributed to the treasurer of state for deposit in the
5 IowaCare account and collections during this time period in
6 excess of \$19,000,000 shall be distributed to the acute care
7 teaching hospital identified in this subsection.

8 5. Contingent upon enactment of 2010 Iowa Acts, Senate File
9 2356, there is appropriated from the IowaCare account created
10 in section 249J.24 to the department of human services for the
11 fiscal year beginning July 1, 2010, and ending June 30, 2011,
12 the following amount, or so much thereof as is necessary to be
13 used for the purpose designated:

14 For payment to the regional provider network specified by
15 the department pursuant to 2010 Iowa Acts, Senate File 2356,
16 section 2, amending section 249J.7, if enacted, for provision
17 of covered services to members of the expansion population
18 pursuant to chapter 249J:

19 \$ 6,000,000

20 6. Contingent upon enactment of 2010 Iowa Acts, Senate File
21 2356, there is appropriated from the IowaCare account created
22 in section 249J.24 to the department of human services for the
23 fiscal year beginning July 1, 2010, and ending June 30, 2011,
24 the following amount, or so much thereof as is necessary to be
25 used for the purposes designated:

26 For payment to nonparticipating providers for covered
27 services provided in accordance with section 249J.24A:

28 \$ 2,000,000

29 Sec. 41. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
30 TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.

31 Notwithstanding any provision to the contrary, there is
32 appropriated from the account for health care transformation
33 created in section 249J.23 to the department of human services
34 for the fiscal year beginning July 1, 2010, and ending June
35 30, 2011, the following amounts, or so much thereof as is

1 necessary, to be used for the purposes designated:
2 1. For the costs of medical examinations for the expansion
3 population pursuant to section 249J.6:
4 \$ 556,800
5 2. For the provision of an IowaCare nurse helpline for the
6 expansion population as provided in section 249J.6:
7 \$ 100,000
8 3. For other health promotion partnership activities
9 pursuant to section 249J.14:
10 \$ 600,000
11 4. For the costs related to audits, performance
12 evaluations, and studies required pursuant to chapter 249J:
13 \$ 125,000
14 5. For administrative costs associated with chapter 249J:
15 \$ 1,132,412
16 6. For planning and development, in cooperation with the
17 department of public health, of a phased-in program to provide
18 a dental home for children in accordance with section 249J.14:
19 \$ 1,000,000
20 7. For continuation of the establishment of the tuition
21 assistance for individuals serving individuals with
22 disabilities pilot program, as enacted in 2008 Iowa Acts,
23 chapter 1187, section 130:
24 \$ 50,000
25 8. For medical contracts:
26 \$ 1,300,000
27 9. For payment to the publicly owned acute care teaching
28 hospital located in a county with a population of over 350,000
29 that is a participating provider pursuant to chapter 249J:
30 \$ 290,000
31 Disbursements under this subsection shall be made monthly.
32 The hospital shall submit a report following the close of the
33 fiscal year regarding use of the funds appropriated in this
34 subsection to the persons specified in this Act to receive
35 reports.

1 Notwithstanding section 8.39, subsection 1, without the
2 prior written consent and approval of the governor and the
3 director of the department of management, the director of human
4 services may transfer funds among the appropriations made in
5 this section as necessary to carry out the purposes of the
6 account for health care transformation. The department shall
7 report any transfers made pursuant to this section to the
8 legislative services agency.

9 Sec. 42. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
10 INSPECTIONS AND APPEALS. There is appropriated from the
11 Medicaid fraud account created in section 249A.7 to the
12 department of inspections and appeals for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, the following
14 amount or so much thereof as is necessary, to be used for the
15 purposes designated:

16 For the inspection and certification of assisted living
17 programs and adult day care services, including program
18 administration and costs associated with implementation:
19 \$ 1,339,527

20 Sec. 43. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR
21 FY 2011-2012. Notwithstanding any section 8.33, if moneys
22 appropriated for purposes of the medical assistance program for
23 the fiscal year beginning July 1, 2010, and ending June 30,
24 2011, from the general fund of the state, the senior living
25 trust fund, and the health care trust fund, are in excess of
26 actual expenditures for the medical assistance program and
27 remain unencumbered or unobligated at the close of the fiscal
28 year, the excess moneys shall not revert but shall remain
29 available for expenditure for the purposes of the medical
30 assistance program until the close of the succeeding fiscal
31 year.

32 DIVISION VI
33 MH/MR/DD SERVICES
34 ALLOWED GROWTH FUNDING
35 FY 2010-2011

1 Sec. 44. 2009 Iowa Acts, chapter 179, section 1, is amended
2 to read as follows:

3 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
4 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND
5 ALLOCATIONS — FISCAL YEAR 2010-2011.

6 ~~1.~~ There is appropriated from the general fund of the
7 state to the department of human services for the fiscal year
8 beginning July 1, 2010, and ending June 30, 2011, the following
9 amount, or so much thereof as is necessary, to be used for the
10 purpose designated:

11 For distribution to counties of the county mental health,
12 mental retardation, and developmental disabilities allowed
13 growth factor adjustment for fiscal year 2010-2011 as provided
14 in this section in lieu of the allowed growth factor provisions
15 of section 331.438, subsection 2, and section 331.439,
16 subsection 3, and chapter 426B:

17 \$ ~~62,157,491~~
18 48,697,893

19 ~~2. The amount appropriated in this section shall be~~
20 ~~allocated as provided in a later enactment of the general~~
21 ~~assembly.~~

22 Sec. 45. 2009 Iowa Acts, chapter 179, section 1, as
23 amended by this division of this Act, is amended by adding the
24 following new subsections:

25 NEW SUBSECTION. 1. Of the amount appropriated in this
26 section, \$146,750 shall be used for assistance to the counties
27 with limited county mental health, mental retardation, and
28 developmental disabilities services fund balances which were
29 selected in accordance with 2000 Iowa Acts, chapter 1221,
30 section 3, to receive such assistance, in the same amount
31 provided during the fiscal year beginning July 1, 2000,
32 and ending June 30, 2001, to pay reimbursement increases in
33 accordance with 2000 Iowa Acts, chapter 1221, section 3.

34 NEW SUBSECTION. 2. Of the amount appropriated in this
35 section, \$12,000,000 shall be distributed as provided in this

1 subsection.

2 a. To be eligible to receive a distribution under this
3 subsection, a county must meet the following requirements:

4 (1) The county is levying for the maximum amount allowed
5 for the county's mental health, mental retardation, and
6 developmental disabilities services fund under section 331.424A
7 for taxes due and payable in the fiscal year beginning July 1,
8 2010, or the county is levying for at least 90 percent of the
9 maximum amount allowed for the county's services fund and that
10 levy rate is more than \$2 per \$1,000 of the assessed value of
11 all taxable property in the county.

12 (2) In the fiscal year beginning July 1, 2008, the
13 county's mental health, mental retardation, and developmental
14 disabilities services fund ending balance under generally
15 accepted accounting principles was equal to or less than 15
16 percent of the county's actual gross expenditures for that
17 fiscal year.

18 b. A county's allocation of the amount appropriated in
19 this subsection shall be determined based upon the county's
20 proportion of the general population of the counties eligible
21 to receive an allocation under this subsection. The most
22 recent population estimates issued by the United States bureau
23 of the census shall be applied in determining population for
24 the purposes of this paragraph.

25 c. The allocations made pursuant to this subsection
26 are subject to the distribution provisions and withholding
27 requirements established in this section for the county mental
28 health, mental retardation, and developmental disabilities
29 allowed growth factor adjustment for the fiscal year beginning
30 July 1, 2010.

31 NEW SUBSECTION. 3. The following amount of the funding
32 appropriated in this section is the allowed growth factor
33 adjustment for fiscal year 2010-2011, and shall be credited to
34 the allowed growth funding pool created in the property tax
35 relief fund and for distribution in accordance with section

1 426B.5, subsection 1:

2 \$ 36,551,143

3 NEW SUBSECTION. 4. The following formula amounts shall be
4 utilized only to calculate preliminary distribution amounts for
5 the allowed growth factor adjustment for fiscal year 2010-2011
6 under this section by applying the indicated formula provisions
7 to the formula amounts and producing a preliminary distribution
8 total for each county:

9 a. For calculation of a distribution amount for eligible
10 counties from the allowed growth funding pool created in the
11 property tax relief fund in accordance with the requirements in
12 section 426B.5, subsection 1:

13 \$ 49,626,596

14 b. For calculation of a distribution amount for counties
15 from the mental health and developmental disabilities (MH/DD)
16 community services fund in accordance with the formula provided
17 in the appropriation made for the MH/DD community services fund
18 for the fiscal year beginning July 1, 2010:

19 \$ 14,187,556

20 NEW SUBSECTION. 5. a. After applying the applicable
21 statutory distribution formulas to the amounts indicated in
22 subsection 4 for purposes of producing preliminary distribution
23 totals, the department of human services shall apply a
24 withholding factor to adjust an eligible individual county's
25 preliminary distribution total. In order to be eligible for
26 a distribution under this section, a county must be levying
27 90 percent or more of the maximum amount allowed for the
28 county's mental health, mental retardation, and developmental
29 disabilities services fund under section 331.424A for taxes due
30 and payable in the fiscal year for which the distribution is
31 payable.

32 b. An ending balance percentage for each county shall
33 be determined by expressing the county's ending balance on a
34 modified accrual basis under generally accepted accounting
35 principles for the fiscal year beginning July 1, 2008, in the

1 county's mental health, mental retardation, and developmental
2 disabilities services fund created under section 331.424A, as a
3 percentage of the county's gross expenditures from that fund
4 for that fiscal year. If a county borrowed moneys for purposes
5 of providing services from the county's services fund on or
6 before July 1, 2008, and the county's services fund ending
7 balance for that fiscal year includes the loan proceeds or an
8 amount designated in the county budget to service the loan for
9 the borrowed moneys, those amounts shall not be considered
10 to be part of the county's ending balance for purposes of
11 calculating an ending balance percentage under this subsection.

12 c. For purposes of calculating withholding factors and for
13 ending balance amounts used for other purposes under law, the
14 county ending balances shall be adjusted, using forms developed
15 for this purpose by the county finance committee, to disregard
16 the temporary funding increase provided to the counties for
17 the fiscal year through the federal American Recovery and
18 Reinvestment Act of 2009, Pub. L. No. 111-5. In addition,
19 a county may adjust the ending balance amount by rebating to
20 the department all or a portion of the allowed growth and
21 MH/DD services fund moneys the county received for the fiscal
22 year beginning July 1, 2009, in accordance with 2008 Iowa
23 Acts, chapter 1191, as amended by 2009 Iowa Acts, chapter 182,
24 section 55, or from any other services fund moneys available
25 to the county. The rebate must be remitted to the department
26 on or before June 1, 2010, in order to be counted. The amount
27 rebated by a county shall be subtracted dollar-for-dollar
28 from the county's ending balance amount for the fiscal year
29 beginning July 1, 2008, for purposes of calculating the
30 withholding factor and for other ending balance purposes for
31 the fiscal year beginning July 1, 2010. The rebates received
32 by the department shall be credited to the risk pool in the
33 property tax relief fund.

34 d. The withholding factor for a county shall be the
35 following applicable percent:

1 (1) For an ending balance percentage of less than 5
2 percent, a withholding factor of 0 percent. In addition,
3 a county that is subject to this lettered paragraph shall
4 receive an inflation adjustment equal to 3 percent of the gross
5 expenditures reported for the county's services fund for the
6 fiscal year.

7 (2) For an ending balance percentage of 5 percent or more
8 but less than 10 percent, a withholding factor of 0 percent.
9 In addition, a county that is subject to this lettered
10 paragraph shall receive an inflation adjustment equal to 2
11 percent of the gross expenditures reported for the county's
12 services fund for the fiscal year.

13 (3) For an ending balance percentage of 10 percent or more
14 but less than 25 percent, a withholding factor of 25 percent.
15 However, for counties with an ending balance percentage of 10
16 percent or more but less than 15 percent, the amount withheld
17 shall be limited to the amount by which the county's ending
18 balance was in excess of the ending balance percentage of 10
19 percent.

20 (4) For an ending balance percentage of 25 percent or more,
21 a withholding percentage of 100 percent.

22 NEW SUBSECTION. 6. The total withholding amounts applied
23 pursuant to subsection 5 shall be equal to a withholding target
24 amount of \$13,075,453. If the department of human services
25 determines that the amount to be withheld in accordance with
26 subsection 6 is not equal to the target withholding amount,
27 the department shall adjust the withholding factors listed in
28 subsection 6 as necessary to achieve the target withholding
29 amount. However, in making such adjustments to the withholding
30 factors, the department shall strive to minimize changes to
31 the withholding factors for those ending balance percentage
32 ranges that are lower than others and shall not adjust the
33 zero withholding factor or the inflation adjustment percentage
34 specified in subsection 5, paragraph "a".

35

DIVISION VII

1 PRIOR APPROPRIATIONS AND
2 RELATED CHANGES
3 LEAD TRAINING AND
4 CERTIFICATION PROGRAMS

5 Sec. 46. Section 135.105A, subsection 5, Code Supplement
6 2009, is amended to read as follows:

7 5. The department shall adopt rules regarding minimum
8 requirements for lead inspector, lead abater, and lead-safe
9 renovator training programs, certification, work practice
10 standards, and suspension and revocation requirements, and
11 shall implement the training and certification programs. The
12 department shall seek federal funding and shall establish fees
13 in amounts sufficient to defray the cost of the programs.
14 The fees shall be used for any of the department's duties
15 under this division, including but not limited to the costs
16 of full-time equivalent positions for program services and
17 investigations. Fees received shall be considered repayment
18 receipts as defined in section 8.2.

19 CERTIFIED RETIREMENT COMMUNITIES

20 Sec. 47. Section 231.24, subsection 9, Code Supplement
21 2009, is amended to read as follows:

22 9. *Program administration deferral.* ~~If in the fiscal~~
23 ~~year beginning July 1, 2009, the department on aging's~~
24 ~~appropriations or authorized full-time equivalent positions are~~
25 ~~reduced, the~~ The department may defer the implementation of
26 the certified retirement communities program until such time
27 as the department has the resources to administer the program,
28 as determined by the director.

29 AREA AGENCY ON AGING

30 BOARD TRAINING

31 Sec. 48. Section 231.33, subsection 19, Code Supplement
32 2009, is amended by striking the subsection.

33 DEMENTIA TRAINING

34 Sec. 49. 2008 Iowa Acts, chapter 1140, section 3, is amended
35 to read as follows:

1 subsection that remain unencumbered or unobligated at the close
2 of the fiscal year shall not revert but shall remain available
3 for expenditure for the purposes designated until the close of
4 the fiscal year beginning July 1, ~~2009~~ 2010.

5 HEALTH CARE COVERAGE

6 EXPANSION

7 Sec. 53. 2008 Iowa Acts, chapter 1188, section 16, as
8 amended by 2009 Iowa Acts, chapter 182, section 84, is amended
9 to read as follows:

10 SEC. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I EXPANSION
11 PROGRAMS — COVERING CHILDREN — APPROPRIATION. There

12 is appropriated from the general fund of the state to the
13 department of human services for the designated fiscal years,
14 the following amounts, or so much thereof as is necessary, for
15 the purpose designated:

16 To cover children as provided in this Act under the medical
17 assistance, hawk-i, and hawk-i expansion programs and outreach
18 under the current structure of the programs:

19	FY 2008-2009	\$ 4,800,000
20	FY 2009-2010	\$ 4,207,001
21	FY 2010-2011	\$ 24,800,000
22		<u>10,049,532</u>

23 PATIENT DECISION

24 MAKING — PILOT PROJECT

25 Sec. 54. 2008 Iowa Acts, chapter 1188, section 36,
26 subsections 1 and 2, are amended to read as follows:

27 1. The department of public health shall establish a
28 ~~two-year~~ community coalition for patient treatment wishes
29 across the health care continuum pilot project, beginning July
30 1, 2008, and ending June 30, ~~2010~~ 2012, in a county with a
31 population of between ~~fifty~~ one hundred seventy-five thousand
32 and ~~one two hundred twenty-five~~ thousand and in one contiguous
33 rural county. The pilot project shall utilize the process
34 based upon the national physicians orders for life sustaining
35 treatment program initiative, including use of a standardized

1 physician order for scope of treatment form. The process
2 shall require validation of the physician order for scope of
3 treatment form by the signature of an individual other than
4 the patient or the patient's legal representative who is not
5 an employee of the patient's physician. The pilot project may
6 include applicability to chronically ill, frail, and elderly or
7 terminally ill individuals in hospitals licensed pursuant to
8 chapter 135B, nursing facilities or residential care facilities
9 licensed pursuant to chapter 135C, or hospice programs as
10 defined in section 135J.1.

11 2. The department of public health shall convene an
12 advisory council, consisting of representatives of entities
13 with interest in the pilot project, including but not
14 limited to the Iowa hospital association, the Iowa medical
15 society, organizations representing health care facilities,
16 representatives of health care providers, and the Iowa trial
17 lawyers association, to develop recommendations for expanding
18 the pilot project statewide. The advisory council shall report
19 its findings and recommendations, including recommendations
20 for legislation, to the governor and the general assembly by
21 January 1, ~~2010~~ 2012.

22 MEDICAID PROGRAMS — PROCESS
23 REQUIREMENTS

24 Sec. 55. 2009 Iowa Acts, chapter 118, section 38, subsection
25 3, is amended by striking the subsection.

26 IOWA VETERANS HOME

27 Sec. 56. 2009 Iowa Acts, chapter 182, section 3, subsection
28 2, is amended by adding the following new paragraph:

29 NEW PARAGRAPH. d. The funds appropriated in this subsection
30 to the Iowa veterans home that remain available for expenditure
31 for the succeeding fiscal year pursuant to section 35D.18,
32 subsection 5, shall be distributed to be used in the succeeding
33 fiscal year in accordance with this lettered paragraph. The
34 first \$500,000 shall remain available to be used for the
35 purposes of the Iowa veterans home. On or before October 15,

1 2010, the department of management shall transfer not more than
2 \$1,000,000 to the appropriation to the department of human
3 services for field operations. Any remaining funding shall be
4 used for purposes of the Iowa veterans home.

5 TEMPORARY ASSISTANCE FOR NEEDY

6 FAMILIES BLOCK GRANT

7 Sec. 57. 2009 Iowa Acts, chapter 182, section 5, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 15. Notwithstanding section 8.33, moneys
10 appropriated in this section that remain unencumbered or
11 unobligated at the close of the fiscal year shall not revert
12 but shall remain available for expenditure for the family
13 investment program until the close of the succeeding fiscal
14 year.

15 BEHAVIORAL HEALTH SERVICES

16 ACCOUNT — MEDICAL ASSISTANCE

17 Sec. 58. 2009 Iowa Acts, chapter 182, section 9, subsection
18 16, paragraph b, is amended to read as follows:

19 b. The department shall continue to maintain a separate
20 account within the medical assistance budget for the deposit
21 of all funds remitted pursuant to a contract with a third
22 party to administer behavioral health services under the
23 medical assistance program established pursuant to 2008 Iowa
24 Acts, chapter 1187, section 9, subsection 20. Notwithstanding
25 section 8.33, other than funds remaining from the appropriation
26 allocations made for implementation of the emergency mental
27 health crisis services and system, for implementation of the
28 mental health services system for children and youth, and
29 for training of child welfare services providers in 2008
30 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph
31 "c", subparagraphs (1), (2), and (6), as authorized in 2009
32 Iowa Acts, chapter 182, section 72, funds remaining in the
33 account that remain unencumbered or unobligated at the end of
34 any the fiscal year shall not revert but shall remain available
35 in succeeding fiscal years and ~~shall be used only in accordance~~

1 ~~with appropriations from the account for health and human~~
2 ~~services-related purposes~~ are appropriated to the department to
3 be used for the medical assistance program.

4 STATE SUPPLEMENTARY
5 ASSISTANCE PROGRAM

6 Sec. 59. 2009 Iowa Acts, chapter 182, section 12, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
9 appropriated in this section that remain unencumbered or
10 unobligated at the close of the fiscal year shall remain
11 available for expenditure for the purposes designated until the
12 close of the succeeding fiscal year.

13 NEIGHBORHOOD AFFORDABLE
14 HOUSING — CHILD DEVELOPMENT
15 PROGRAM

16 Sec. 60. 2009 Iowa Acts, chapter 182, section 14, subsection
17 9, is amended by adding the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
19 moneys allocated in this subsection that remain unencumbered or
20 unobligated at the close of the fiscal year shall not revert
21 but shall remain available for expenditure for the purposes
22 designated until expended.

23 IOWACARE

24 Sec. 61. 2009 Iowa Acts, chapter 182, section 48, subsection
25 3, unnumbered paragraph 2 and paragraph "a", are amended to
26 read as follows:

27 For distribution to a publicly owned acute care teaching
28 hospital located in a county with a population over 350,000 for
29 the provision of medical and surgical treatment of indigent
30 patients, for provision of services to members of the expansion
31 population pursuant to chapter 249J, and for medical education:
32 \$ 46,000,000
33 47,000,000

34 a. Notwithstanding any provision of law to the contrary, the
35 amount appropriated in this subsection shall be allocated in

1 twelve equal monthly payments as provided in section 249J.24.
2 Any amount appropriated in this subsection in excess of
3 ~~\$41,000,000~~ \$45,000,000 shall be distributed only if the sum
4 of the expansion population claims adjudicated and paid by the
5 Iowa Medicaid enterprise plus the estimated disproportionate
6 share hospital payments exceeds \$45,000,000. The amount paid
7 in excess of \$45,000,000 shall not adjust the original monthly
8 payment amount but shall be distributed monthly based on actual
9 claims adjudicated and paid by the Iowa Medicaid enterprise
10 plus the estimated disproportionate share hospital amount. Any
11 amount appropriated in this subsection in excess of \$45,000,000
12 shall be allocated only if federal funds are available to match
13 the amount allocated.

14 INTELLECTUAL DISABILITIES WAIVER

15 Sec. 62. INTELLECTUAL DISABILITIES WAIVER — STATEWIDE
16 METHODOLOGY. In administering the medical assistance home
17 and community-based services intellectual disability waiver,
18 the total number of openings at any one time shall be limited
19 to the number approved for the waiver by the secretary of the
20 United States department of health and human services and
21 available funding. Beginning July 1, 2010, the department
22 shall implement a statewide method of allocating waiver slots
23 and shall design a methodology for prioritizing the allocation
24 of slots, subject to federal approval. The department
25 shall convene a workgroup to develop criteria to prioritize
26 individuals on the waiting list, subject to federal approval.

27 Sec. 63. EFFECTIVE UPON ENACTMENT AND APPLICABILITY.

28 1. This division of this Act, being deemed of immediate
29 importance, takes effect upon enactment.

30 2. The section of this division of this Act amending section
31 135.105A applies to any fees collected pursuant to section
32 135.105A during or after the fiscal year beginning July 1,
33 2009.

34 DIVISION VIII

35 INTERSTATE COMPACT FOR JUVENILES

1 Sec. 64. Section 232.2, subsection 29, Code Supplement
2 2009, is amended to read as follows:

3 29. "*Juvenile*" means the same as "*child*". However, in
4 the interstate compact ~~on~~ for juveniles, sections 232.171 and
5 ~~232.172~~ section 232.173, "juvenile" means a person defined as a
6 juvenile in the law of a state which is a party to the compact.

7 Sec. 65. Section 232.172, Code 2009, is amended to read as
8 follows:

9 **232.172 Confinement of delinquent juvenile.**

10 1. For a juvenile under the jurisdiction of this state
11 who is subject to the interstate compact for juveniles
12 under section 232.173, the confinement of the juvenile in an
13 institution located within another compacting state shall be
14 as provided under the compact.

15 2. This subsection applies to the confinement of a
16 delinquent juvenile under the jurisdiction of this state in an
17 institution located within a noncompacting state, as defined
18 in section 232.173, that entered into the interstate compact
19 on juveniles under section 232.171, Code 2009. In addition
20 to any institution in which the authorities of this state may
21 otherwise confine or order the confinement of a the delinquent
22 juvenile, such authorities may, pursuant to the out-of-state
23 confinement amendment to the interstate compact on juveniles in
24 section 232.171, Code 2009, confine or order the confinement
25 of a the delinquent juvenile in a compact institution within
26 another party state.

27 Sec. 66. NEW SECTION. **232.173 Interstate compact for**
28 **juveniles.**

29 1. *Article I — Purpose.*

30 a. The compacting states to this interstate compact
31 recognize that each state is responsible for the proper
32 supervision or return of juveniles, delinquents, and status
33 offenders who are on probation or parole and who have
34 absconded, escaped, or run away from supervision and control
35 and in so doing have endangered their own safety and the safety

1 of others. The compacting states also recognize that each
2 state is responsible for the safe return of juveniles who have
3 run away from home and in doing so have left their state of
4 residence. The compacting states also recognize that Congress,
5 by enacting the Crime Control Act, 4 U.S.C. § 112 (1965), has
6 authorized and encouraged compacts for cooperative efforts and
7 mutual assistance in the prevention of crime.

8 *b.* It is the purpose of this compact, through means of joint
9 and cooperative action among the compacting states to:

10 (1) Ensure that the adjudicated juveniles and status
11 offenders subject to this compact are provided adequate
12 supervision and services in the receiving state as ordered
13 by the adjudicating judge or parole authority in the sending
14 state.

15 (2) Ensure that the public safety interests of the citizens,
16 including the victims of juvenile offenders, in both the
17 sending and receiving states are adequately protected.

18 (3) Return juveniles who have run away, absconded, or
19 escaped from supervision or control or have been accused of an
20 offense to the state requesting their return.

21 (4) Make contracts for the cooperative institutionalization
22 in public facilities in member states for delinquent youth
23 needing special services.

24 (5) Provide for the effective tracking and supervision of
25 juveniles.

26 (6) Equitably allocate the costs, benefits, and obligations
27 of the compacting states.

28 (7) Establish procedures to manage the movement between
29 states of juvenile offenders released to the community under
30 the jurisdiction of courts, juvenile departments, or any other
31 criminal or juvenile justice agency which has jurisdiction over
32 juvenile offenders.

33 (8) Insure immediate notice to jurisdictions where defined
34 offenders are authorized to travel or to relocate across state
35 lines.

1 (9) Establish procedures to resolve pending charges
2 (detainers) against juvenile offenders prior to transfer or
3 release to the community under the terms of this compact.

4 (10) Establish a system of uniform data collection on
5 information pertaining to juveniles subject to this compact
6 that allows access by authorized juvenile justice and criminal
7 justice officials, and regular reporting of compact activities
8 to heads of state executive, judicial, and legislative branches
9 and juvenile and criminal justice administrators.

10 (11) Monitor compliance with rules governing interstate
11 movement of juveniles and initiate interventions to address and
12 correct noncompliance.

13 (12) Coordinate training and education regarding the
14 regulation of interstate movement of juveniles for officials
15 involved in such activity.

16 (13) Coordinate the implementation and operation of
17 the compact with the interstate compact for the placement
18 of children, the interstate compact for adult offender
19 supervision, and other compacts affecting juveniles
20 particularly in those cases where concurrent or overlapping
21 supervision issues arise.

22 *c.* It is the policy of the compacting states that the
23 activities conducted by the interstate commission created in
24 this compact are the formation of public policies and therefore
25 are public business. Furthermore, the compacting states shall
26 cooperate and observe their individual and collective duties
27 and responsibilities for the prompt return and acceptance of
28 juveniles subject to the provisions of this compact. The
29 provisions of this compact shall be reasonably and liberally
30 construed to accomplish the purposes and policies of the
31 compact.

32 2. *Article II — Definitions.* As used in this compact,
33 unless the context clearly requires a different construction:

34 *a.* "Bylaws" means those bylaws established by the interstate
35 commission for its governance, or for directing or controlling

1 its actions or conduct.

2 *b. "Compact administrator"* means the individual in each
3 compacting state appointed pursuant to the terms of this
4 compact, responsible for the administration and management of
5 the state's supervision and transfer of juveniles subject to
6 the terms of this compact, the rules adopted by the interstate
7 commission, and policies adopted by the state council under
8 this compact.

9 *c. "Compacting state"* means any state which has enacted the
10 enabling legislation for this compact.

11 *d. "Commissioner"* means the voting representative of each
12 compacting state appointed pursuant to article III of this
13 compact.

14 *e. "Court"* means any court having jurisdiction over
15 delinquent, neglected, or dependent children.

16 *f. "Deputy compact administrator"* means the individual,
17 if any, in each compacting state appointed to act on behalf
18 of a compact administrator pursuant to the terms of this
19 compact responsible for the administration and management of
20 the state's supervision and transfer of juveniles subject to
21 the terms of this compact, the rules adopted by the interstate
22 commission, and policies adopted by the state council under
23 this compact.

24 *g. "Interstate commission"* means the interstate commission
25 for juveniles created by article III of this compact.

26 *h. "Juvenile"* means any person defined as a juvenile in
27 any member state or by the rules of the interstate commission,
28 including persons who are any of the following:

29 (1) An accused delinquent, meaning a person charged with
30 an offense that, if committed by an adult, would be a criminal
31 offense.

32 (2) An adjudicated delinquent, meaning a person found to
33 have committed an offense that, if committed by an adult, would
34 be a criminal offense.

35 (3) An accused status offender, meaning a person charged

1 with an offense that would not be a criminal offense if
2 committed by an adult.

3 (4) An adjudicated status offender, meaning a person found
4 to have committed an offense that would not be a criminal
5 offense if committed by an adult.

6 (5) A nonoffender, meaning a person in need of supervision
7 who has not been accused or adjudicated a status offender or
8 delinquent.

9 *i.* "Noncompacting state" means any state which has not
10 enacted the enabling legislation for this compact.

11 *j.* "Probation or parole" means any kind of supervision or
12 conditional release of juveniles authorized under the laws of
13 the compacting states.

14 *k.* "Rule" means a written statement by the interstate
15 commission promulgated pursuant to article VI of this compact
16 that is of general applicability, implements, interprets
17 or prescribes a policy or provision of the compact, or an
18 organizational, procedural, or practice requirement of the
19 commission, and has the force and effect of statutory law in
20 a compacting state, and includes the amendment, repeal, or
21 suspension of an existing rule.

22 *l.* "State" means a state of the United States, the District
23 of Columbia or its designee, the Commonwealth of Puerto Rico,
24 the United States Virgin Islands, Guam, American Samoa, and the
25 Northern Marianas Islands.

26 3. *Article III — Interstate commission for juveniles.*

27 *a.* The compacting states hereby create the interstate
28 commission for juveniles. The commission shall be a body
29 corporate and joint agency of the compacting states. The
30 commission shall have all the responsibilities, powers, and
31 duties set forth in this compact, and such additional powers as
32 may be conferred upon it by subsequent action of the respective
33 legislatures of the compacting states in accordance with the
34 terms of this compact.

35 *b.* The interstate commission shall consist of commissioners

1 appointed by the appropriate appointing authority in
2 each state pursuant to the rules and requirements of each
3 compacting state and in consultation with the state council for
4 interstate juvenile supervision created in this compact. The
5 commissioner shall be the compact administrator, deputy compact
6 administrator, or designee from that state who shall serve on
7 the interstate commission in such capacity under or pursuant to
8 the applicable law of the compacting state.

9 *c.* In addition to the commissioners who are the voting
10 representatives of each state, the interstate commission shall
11 include individuals who are not commissioners, but who are
12 members of interested organizations. Such noncommissioner
13 members must include a member of the national organizations
14 of governors, legislators, state chief justices, attorneys
15 general, interstate compact for adult offender supervision,
16 interstate compact for the placement of children, juvenile
17 justice and juvenile corrections officials, and crime victims.
18 All noncommissioner members of the interstate commission
19 shall be *ex officio*, nonvoting members. The interstate
20 commission may provide in its bylaws for such additional *ex*
21 *officio*, nonvoting members, including members of other national
22 organizations, in such numbers as shall be determined by the
23 commission.

24 *d.* Each compacting state represented at any meeting of
25 the commission is entitled to one vote. A majority of the
26 compacting states shall constitute a quorum for the transaction
27 of business, unless a larger quorum is required by the bylaws
28 of the interstate commission.

29 *e.* The commission shall meet at least once each calendar
30 year. The chairperson may call additional meetings and, upon
31 the request of a simple majority of the compacting states,
32 shall call additional meetings. Public notice shall be given
33 of all meetings and meetings shall be open to the public.

34 *f.* The interstate commission shall establish an executive
35 committee, which shall include commission officers, members,

1 and others as determined by the bylaws. The executive
2 committee shall have the power to act on behalf of the
3 interstate commission during periods when the interstate
4 commission is not in session, with the exception of rulemaking
5 or amendment to the compact. The executive committee shall
6 oversee the day-to-day activities of the administration of
7 the compact managed by an executive director and interstate
8 commission staff; administer enforcement and compliance
9 with the provisions of the compact, its bylaws, and rules;
10 and perform such other duties as directed by the interstate
11 commission or set forth in the bylaws.

12 *g.* Each member of the interstate commission shall have
13 the right and power to cast a vote to which that compacting
14 state is entitled and to participate in the business and
15 affairs of the interstate commission. A member shall vote in
16 person and shall not delegate a vote to another compacting
17 state. However, a commissioner, in consultation with the state
18 council, shall appoint another authorized representative, in
19 the absence of the commissioner from that state, to cast a vote
20 on behalf of the compacting state at a specified meeting. The
21 bylaws may provide for members' participation in meetings by
22 telephone or other means of telecommunication or electronic
23 communication.

24 *h.* The interstate commission's bylaws shall establish
25 conditions and procedures under which the interstate commission
26 shall make its information and official records available
27 to the public for inspection or copying. The interstate
28 commission may exempt from disclosure any information or
29 official records to the extent they would adversely affect
30 personal privacy rights or proprietary interests.

31 *i.* Public notice shall be given of all meetings and all
32 meetings shall be open to the public, except as set forth
33 in the rules or as otherwise provided in the compact. The
34 interstate commission and any of its committees may close a
35 meeting to the public where it determines by two-thirds vote

1 that an open meeting would be likely to:

2 (1) Relate solely to the interstate commission's internal
3 personnel practices and procedures.

4 (2) Disclose matters specifically exempted from disclosure
5 by statute.

6 (3) Disclose trade secrets or commercial or financial
7 information which is privileged or confidential.

8 (4) Involve accusing any person of a crime, or formally
9 censuring any person.

10 (5) Disclose information of a personal nature where
11 disclosure would constitute a clearly unwarranted invasion of
12 personal privacy.

13 (6) Disclose investigative records compiled for law
14 enforcement purposes.

15 (7) Disclose information contained in or related to an
16 examination or operating or condition reports prepared by, or
17 on behalf of or for the use of, the interstate commission with
18 respect to a regulated person or entity for the purpose of
19 regulation or supervision of such person or entity.

20 (8) Disclose information, the premature disclosure of which
21 would significantly endanger the stability of a regulated
22 person or entity.

23 (9) Specifically relate to the interstate commission's
24 issuance of a subpoena, or its participation in a civil action
25 or other legal proceeding.

26 *j.* For every meeting closed pursuant to this provision, the
27 interstate commission's legal counsel shall publicly certify
28 that, in the legal counsel's opinion, the meeting may be closed
29 to the public, and shall reference each relevant exemptive
30 provision. The interstate commission shall keep minutes
31 which shall fully and clearly describe all matters discussed
32 in any meeting and shall provide a full and accurate summary
33 of any actions taken, and the reasons therefore, including a
34 description of each of the views expressed on any item and the
35 record of any roll call vote, reflected in the vote of each

1 member on the question. All documents considered in connection
2 with any action shall be identified in such minutes.

3 *k.* The interstate commission shall collect standardized data
4 concerning the interstate movement of juveniles as directed
5 through its rules which shall specify the data to be collected,
6 the means of collection, and data exchange and reporting
7 requirements. Such methods of data collection, exchange, and
8 reporting shall insofar as is reasonably possible conform to
9 up-to-date technology and coordinate its information functions
10 with the appropriate repository of records.

11 *4. Article IV — Powers and duties of the interstate*
12 *commission.* The commission shall have the following powers and
13 duties:

14 *a.* To provide for dispute resolution among compacting
15 states.

16 *b.* To promulgate rules to effect the purposes and
17 obligations as enumerated in this compact, which shall have the
18 force and effect of statutory law and shall be binding in the
19 compacting states to the extent and in the manner provided in
20 this compact.

21 *c.* To oversee, supervise, and coordinate the interstate
22 movement of juveniles subject to the terms of this compact and
23 any bylaws adopted and rules promulgated by the interstate
24 commission.

25 *d.* To enforce compliance with the compact provisions, the
26 rules promulgated by the interstate commission, and the bylaws,
27 using all necessary and proper means, including but not limited
28 to the use of judicial process.

29 *e.* To establish and maintain offices which shall be located
30 within one or more of the compacting states.

31 *f.* To purchase and maintain insurance and bonds.

32 *g.* To borrow, accept, hire, or contract for services of
33 personnel.

34 *h.* To establish and appoint committees and hire staff
35 which it deems necessary for the carrying out of its functions

1 including but not limited to an executive committee as required
2 by article III which shall have the power to act on behalf of
3 the interstate commission in carrying out its powers and duties
4 hereunder.

5 *i.* To elect or appoint such officers, attorneys, employees,
6 agents, or consultants, and to fix their compensation, define
7 their duties and determine their qualifications; and to
8 establish the interstate commission's personnel policies and
9 programs relating to, inter alia, conflicts of interest, rates
10 of compensation, and qualifications of personnel.

11 *j.* To accept any and all donations and grants of money,
12 equipment, supplies, materials, and services, and to receive,
13 utilize, and dispose of it.

14 *k.* To lease, purchase, accept contributions or donations of,
15 or otherwise to own, hold, improve, or use any property, real,
16 personal, or mixed.

17 *l.* To sell, convey, mortgage, pledge, lease, exchange,
18 abandon, or otherwise dispose of any property, real, personal,
19 or mixed.

20 *m.* To establish a budget and make expenditures and levy
21 dues as provided in article VIII of this compact.

22 *n.* To sue and be sued.

23 *o.* To adopt a seal and bylaws governing the management and
24 operation of the interstate commission.

25 *p.* To perform such functions as may be necessary or
26 appropriate to achieve the purposes of this compact.

27 *q.* To report annually to the legislatures, governors,
28 judiciary, and state councils of the compacting states
29 concerning the activities of the interstate commission during
30 the preceding year. Such reports shall also include any
31 recommendations that may have been adopted by the interstate
32 commission.

33 *r.* To coordinate education, training, and public awareness
34 regarding the interstate movement of juveniles for officials
35 involved in such activity.

1 *s.* To establish uniform standards of the reporting,
2 collecting, and exchanging of data.

3 *t.* The interstate commission shall maintain its corporate
4 books and records in accordance with the bylaws.

5 5. *Article V — Organization and operation of the interstate*
6 *commission.*

7 *a. Bylaws.* The interstate commission shall, by a majority
8 of the members present and voting, within twelve months after
9 the first interstate commission meeting, adopt bylaws to govern
10 its conduct as may be necessary or appropriate to carry out the
11 purposes of the compact, including but not limited to all of
12 the following:

13 (1) Establishing the fiscal year of the interstate
14 commission.

15 (2) Establishing an executive committee and such other
16 committees as may be necessary.

17 (3) Provide for the establishment of committees governing
18 any general or specific delegation of any authority or function
19 of the interstate commission.

20 (4) Providing reasonable procedures for calling and
21 conducting meetings of the interstate commission and ensuring
22 reasonable notice of each such meeting.

23 (5) Establishing the titles and responsibilities of the
24 officers of the interstate commission.

25 (6) Providing a mechanism for concluding the operations of
26 the interstate commission and the return of any surplus funds
27 that may exist upon the termination of the compact after the
28 payment or reserving of all of its debts and obligations.

29 (7) Providing "start-up" rules for initial administration
30 of the compact.

31 (8) Establishing standards and procedures for compliance
32 and technical assistance in carrying out the compact.

33 *b. Officers and staff.*

34 (1) The interstate commission shall, by a majority of the
35 members, elect annually from among its members a chairperson

1 and a vice chairperson, each of whom shall have such authority
2 and duties as may be specified in the bylaws. The chairperson
3 or, in the chairperson's absence or disability, the vice
4 chairperson shall preside at all meetings of the interstate
5 commission. The officers so elected shall serve without
6 compensation or remuneration from the interstate commission;
7 provided that, subject to the availability of budgeted funds,
8 the officers shall be reimbursed for any ordinary and necessary
9 costs and expenses incurred by them in the performance of their
10 duties and responsibilities as officers of the interstate
11 commission.

12 (2) The interstate commission shall, through its executive
13 committee, appoint or retain an executive director for
14 such period, upon such terms and conditions and for such
15 compensation as the interstate commission may deem appropriate.
16 The executive director shall serve as secretary to the
17 interstate commission, but shall not be a member and shall hire
18 and supervise such other staff as may be authorized by the
19 interstate commission.

20 *c. Immunity, defense, and indemnification.*

21 (1) The commission's executive director and employees shall
22 be immune from suit and liability, either personally or in
23 their official capacity, for any claim for damage to or loss
24 of property or personal injury or other civil liability caused
25 or arising out of or relating to any actual or alleged act,
26 error, or omission that occurred, or that such person had a
27 reasonable basis for believing occurred within the scope of
28 commission employment, duties, or responsibilities; provided,
29 that any such person shall not be protected from suit or
30 liability for any damage, loss, injury, or liability caused by
31 the intentional or willful and wanton misconduct of any such
32 person.

33 (2) The liability of any commissioner, or the employee
34 or agent of a commissioner, acting within the scope of such
35 person's employment or duties for acts, errors, or omissions

1 occurring within such person's state may not exceed the limits
2 of liability set forth under the constitution and laws of that
3 state for state officials, employees, and agents. Nothing
4 in this subparagraph shall be construed to protect any such
5 person from suit or liability for any damage, loss, injury,
6 or liability caused by the intentional or willful and wanton
7 misconduct of any such person.

8 (3) The interstate commission shall defend the executive
9 director or the employees or representatives of the interstate
10 commission and, subject to the approval of the attorney general
11 of the state represented by any commissioner of a compacting
12 state, shall defend such commissioner or the commissioner's
13 representatives or employees in any civil action seeking to
14 impose liability arising out of any actual or alleged act,
15 error, or omission that occurred within the scope of interstate
16 commission employment, duties, or responsibilities, or that
17 the defendant had a reasonable basis for believing occurred
18 within the scope of interstate commission employment, duties,
19 or responsibilities, provided that the actual or alleged act,
20 error, or omission did not result from intentional or willful
21 and wanton misconduct on the part of such person.

22 (4) The interstate commission shall indemnify and hold
23 the commissioner of a compacting state, or the commissioner's
24 representatives or employees, or the interstate commission's
25 representatives or employees, harmless in the amount of any
26 settlement or judgment obtained against such persons arising
27 out of any actual or alleged act, error, or omission that
28 occurred within the scope of interstate commission employment,
29 duties, or responsibilities, or that such persons had a
30 reasonable basis for believing occurred within the scope of
31 interstate commission employment, duties, or responsibilities,
32 provided that the actual or alleged act, error, or omission did
33 not result from intentional or willful and wanton misconduct on
34 the part of such persons.

35 6. *Article VI — Rulemaking functions of the interstate*

1 *commission.*

2 *a.* The interstate commission shall promulgate and publish
3 rules in order to effectively and efficiently achieve the
4 purposes of the compact.

5 *b.* Rulemaking shall occur pursuant to the criteria set
6 forth in this article and the bylaws and rules adopted pursuant
7 thereto. Such rulemaking shall substantially conform to the
8 principles of the model state administrative procedures Act,
9 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or
10 such other administrative procedures act, as the interstate
11 commission deems appropriate consistent with due process
12 requirements under the Constitution of the United States as now
13 or hereafter interpreted by the United States supreme court.
14 All rules and amendments shall become binding as of the date
15 specified, as published with the final version of the rule as
16 approved by the commission.

17 *c.* When promulgating a rule, the interstate commission
18 shall, at a minimum, do all of the following:

19 (1) Publish the proposed rule's entire text stating the
20 reasons for that proposed rule.

21 (2) Allow and invite any and all persons to submit written
22 data, facts, opinions, and arguments, which information shall
23 be added to the record, and be made publicly available.

24 (3) Provide an opportunity for an informal hearing if
25 petitioned by ten or more persons.

26 (4) Promulgate a final rule and its effective date, if
27 appropriate, based on input from state or local officials, or
28 interested parties.

29 *d.* Allow, not later than sixty days after a rule is
30 promulgated, any interested person to file a petition in the
31 United States district court for the District of Columbia or in
32 the federal district court where the interstate commission's
33 principal office is located for judicial review of such rule.
34 If the court finds that the interstate commission's action is
35 not supported by substantial evidence in the rulemaking record,

1 the court shall hold the rule unlawful and set it aside. For
2 purposes of this lettered paragraph, evidence is substantial
3 if it would be considered substantial evidence under the model
4 state administrative procedures Act.

5 e. If a majority of the legislatures of the compacting
6 states rejects a rule, those states may, by enactment of a
7 statute or resolution in the same manner used to adopt the
8 compact, cause that such rule shall have no further force and
9 effect in any compacting state.

10 f. The existing rules governing the operation of the
11 interstate compact on juveniles superseded by this compact
12 shall be null and void twelve months after the first meeting of
13 the interstate commission created hereunder.

14 g. Upon determination by the interstate commission that
15 a state of emergency exists, it may promulgate an emergency
16 rule which shall become effective immediately upon adoption,
17 provided that the usual rulemaking procedures provided
18 hereunder shall be retroactively applied to said rule as soon
19 as reasonably possible, but no later than ninety days after the
20 effective date of the emergency rule.

21 7. *Article VII — Oversight, enforcement, and dispute*
22 *resolution by the interstate commission.*

23 a. *Oversight.*

24 (1) The interstate commission shall oversee the
25 administration and operations of the interstate movement of
26 juveniles subject to this compact in the compacting states
27 and shall monitor such activities being administered in
28 noncompacting states which may significantly affect compacting
29 states.

30 (2) The courts and executive agencies in each compacting
31 state shall enforce this compact and shall take all actions
32 necessary and appropriate to effectuate the compact's
33 purposes and intent. The provisions of this compact and the
34 rules promulgated hereunder shall be received by all the
35 judges, public officers, commissions, and departments of

1 the state government as evidence of the authorized statute
2 and administrative rules. All courts shall take judicial
3 notice of the compact and the rules. In any judicial or
4 administrative proceeding in a compacting state pertaining to
5 the subject matter of this compact which may affect the powers,
6 responsibilities, or actions of the interstate commission, it
7 shall be entitled to receive all service of process in any
8 such proceeding, and shall have standing to intervene in the
9 proceeding for all purposes.

10 *b. Dispute resolution.*

11 (1) The compacting states shall report to the interstate
12 commission on all issues and activities necessary for the
13 administration of the compact as well as issues and activities
14 pertaining to compliance with the provisions of the compact and
15 its bylaws and rules.

16 (2) The interstate commission shall attempt, upon the
17 request of a compacting state, to resolve any disputes or
18 other issues which are subject to the compact and which may
19 arise among compacting states and between compacting and
20 noncompacting states. The commission shall promulgate a rule
21 providing for both mediation and binding dispute resolution for
22 disputes among the compacting states.

23 (3) The interstate commission, in the reasonable exercise
24 of its discretion, shall enforce the provisions and rules of
25 this compact using any or all means set forth in article XI of
26 this compact.

27 *8. Article VIII — Finance.*

28 *a.* The interstate commission shall pay or provide for
29 the payment of the reasonable expenses of its establishment,
30 organization, and ongoing activities.

31 *b.* The interstate commission shall levy on and collect an
32 annual assessment from each compacting state to cover the cost
33 of the internal operations and activities of the interstate
34 commission and its staff which must be in a total amount
35 sufficient to cover the interstate commission's annual budget

1 as approved each year. The aggregate annual assessment amount
2 shall be allocated based upon a formula to be determined by the
3 interstate commission, taking into consideration the population
4 of each compacting state and the volume of interstate movement
5 of juveniles in each compacting state and shall promulgate a
6 rule binding upon all compacting states which governs said
7 assessment.

8 c. The interstate commission shall not incur any obligations
9 of any kind prior to securing the funds adequate to meet the
10 same; nor shall the interstate commission pledge the credit of
11 any of the compacting states, except by and with the authority
12 of the compacting state.

13 d. The interstate commission shall keep accurate accounts of
14 all receipts and disbursements. The receipts and disbursements
15 of the interstate commission shall be subject to the audit
16 and accounting procedures established under its bylaws.
17 However, all receipts and disbursements of funds handled by the
18 interstate commission shall be audited yearly by a certified or
19 licensed public accountant and the report of the audit shall
20 be included in and become part of the annual report of the
21 interstate commission.

22 9. *Article IX — The state council.* Each member state shall
23 create a state council for interstate juvenile supervision.
24 While each state may determine the membership of its own
25 state council, its membership must include at least one
26 representative from the legislative, judicial, and executive
27 branches of government, victims groups, and the compact
28 administrator, deputy compact administrator, or designee.
29 Each compacting state retains the right to determine the
30 qualifications of the compact administrator or deputy compact
31 administrator. Each state council will advise and may exercise
32 oversight and advocacy concerning that state's participation
33 in interstate commission activities and other duties as may
34 be determined by that state, including but not limited to
35 development of policy concerning operations and procedures of

1 the compact within that state.

2 10. *Article X — Compacting states, effective date, and*
3 *amendment.*

4 a. Any state, the District of Columbia, or its designee, the
5 Commonwealth of Puerto Rico, the United States Virgin Islands,
6 Guam, American Samoa, and the Northern Marianas Islands as
7 defined in article II of this compact is eligible to become a
8 compacting state.

9 b. The compact shall become effective and binding upon
10 legislative enactment of the compact into law by no less than
11 thirty-five of the states. The initial effective date shall
12 be the later of July 1, 2004, or upon enactment into law by
13 the thirty-fifth jurisdiction. Thereafter it shall become
14 effective and binding as to any other compacting state upon
15 enactment of the compact into law by that state. The governors
16 of nonmember states or their designees shall be invited to
17 participate in the activities of the interstate commission on a
18 nonvoting basis prior to adoption of the compact by all states
19 and territories of the United States.

20 c. The interstate commission may propose amendments to the
21 compact for enactment by the compacting states. No amendment
22 shall become effective and binding upon the interstate
23 commission and the compacting states unless and until it is
24 enacted into law by unanimous consent of the compacting states.

25 11. *Article XI — Withdrawal, default, termination, and*
26 *judicial enforcement.*

27 a. *Withdrawal.*

28 (1) Once effective, the compact shall continue in force and
29 remain binding upon each and every compacting state; provided
30 that a compacting state may withdraw from the compact by
31 specifically repealing the statute which enacted the compact
32 into law.

33 (2) The effective date of withdrawal is the effective date
34 of the repeal.

35 (3) The withdrawing state shall immediately notify the

1 chairperson of the interstate commission in writing upon the
2 introduction of legislation repealing this compact in the
3 withdrawing state. The interstate commission shall notify the
4 other compacting states of the withdrawing state's intent to
5 withdraw within sixty days of its receipt thereof.

6 (4) The withdrawing state is responsible for all
7 assessments, obligations, and liabilities incurred through
8 the effective date of withdrawal, including any obligations,
9 the performance of which extend beyond the effective date of
10 withdrawal.

11 (5) Reinstatement following withdrawal of any compacting
12 state shall occur upon the withdrawing state reenacting the
13 compact or upon such later date as determined by the interstate
14 commission.

15 *b. Technical assistance, fines, suspension, termination, and*
16 *default.*

17 (1) If the interstate commission determines that any
18 compacting state has at any time defaulted in the performance
19 of any of its obligations or responsibilities under this
20 compact, or the bylaws or duly promulgated rules, the
21 interstate commission may impose any or all of the following
22 penalties:

23 (a) Remedial training and technical assistance as directed
24 by the interstate commission.

25 (b) Alternative dispute resolution.

26 (c) Fines, fees, and costs in such amounts as are deemed to
27 be reasonable as fixed by the interstate commission.

28 (d) Suspension or termination of membership in the compact,
29 which shall be imposed only after all other reasonable
30 means of securing compliance under the bylaws and rules have
31 been exhausted and the interstate commission has therefore
32 determined that the offending state is in default. Immediate
33 notice of suspension shall be given by the interstate
34 commission to the governor, the chief justice or the chief
35 judicial officer of the state, the majority and minority

1 leaders of the defaulting state's legislature, and the state
2 council.

3 (2) The grounds for default include, but are not limited to,
4 failure of a compacting state to perform such obligations or
5 responsibilities imposed upon it by this compact, the bylaws
6 or duly promulgated rules, and any other grounds designated in
7 commission bylaws and rules.

8 (3) The interstate commission shall immediately notify
9 the defaulting state in writing of the penalty imposed by the
10 interstate commission and of the default pending a cure of
11 the default. The commission shall stipulate the conditions
12 and the time period within which the defaulting state must
13 cure its default. If the defaulting state fails to cure the
14 default within the time period specified by the commission,
15 the defaulting state shall be terminated from the compact upon
16 an affirmative vote of a majority of the compacting states and
17 all rights, privileges, and benefits conferred by this compact
18 shall be terminated from the effective date of termination.

19 (4) Within sixty days of the effective date of termination
20 of a defaulting state, the commission shall notify the
21 governor, the chief justice or chief judicial officer, the
22 majority and minority leaders of the defaulting state's
23 legislature, and the state council of such termination.

24 (5) The defaulting state is responsible for all
25 assessments, obligations, and liabilities incurred through
26 the effective date of termination including any obligations,
27 the performance of which extends beyond the effective date of
28 termination.

29 (6) The interstate commission shall not bear any costs
30 relating to the defaulting state unless otherwise mutually
31 agreed upon in writing between the interstate commission and
32 the defaulting state.

33 (7) Reinstatement following termination of any compacting
34 state requires both a reenactment of the compact by the
35 defaulting state and the approval of the interstate commission

1 pursuant to the rules.

2 *c. Judicial enforcement.* The interstate commission may,
3 by majority vote of the members, initiate legal action in the
4 United States district court for the District of Columbia or,
5 at the discretion of the interstate commission, in the federal
6 district where the interstate commission has its offices, to
7 enforce compliance with the provisions of the compact, its duly
8 promulgated rules and bylaws, against any compacting state in
9 default. In the event judicial enforcement is necessary the
10 prevailing party shall be awarded all costs of such litigation
11 including reasonable attorney fees.

12 *d. Dissolution of compact.*

13 (1) The compact dissolves effective upon the date of the
14 withdrawal or default of the compacting state, which reduces
15 membership in the compact to one compacting state.

16 (2) Upon the dissolution of this compact, the compact
17 becomes null and void and shall be of no further force
18 or effect, and the business and affairs of the interstate
19 commission shall be concluded and any surplus funds shall be
20 distributed in accordance with the bylaws.

21 12. *Article XII — Severability and construction.*

22 *a.* The provisions of this compact shall be severable,
23 and if any phrase, clause, sentence, or provision is deemed
24 unenforceable, the remaining provisions of the compact shall
25 be enforceable.

26 *b.* The provisions of this compact shall be liberally
27 construed to effectuate its purposes.

28 13. *Article XIII — Binding effect of compact and other laws.*

29 *a. Other laws.*

30 (1) Nothing in this compact prevents the enforcement of any
31 other law of a compacting state that is not inconsistent with
32 this compact.

33 (2) All compacting states' laws other than state
34 constitutions and other interstate compacts conflicting with
35 this compact are superseded to the extent of the conflict.

1 *b. Binding effect of the compact.*

2 (1) All lawful actions of the interstate commission,
3 including all rules and bylaws promulgated by the interstate
4 commission, are binding upon the compacting states.

5 (2) All agreements between the interstate commission and
6 the compacting states are binding in accordance with their
7 terms.

8 (3) Upon the request of a party to a conflict over meaning
9 or interpretation of interstate commission actions, and upon
10 a majority vote of the compacting states, the interstate
11 commission may issue advisory opinions regarding such meaning
12 or interpretation.

13 (4) In the event any provision of this compact exceeds
14 the constitutional limits imposed on the legislature of
15 any compacting state, the obligations, duties, powers, or
16 jurisdiction sought to be conferred by such provision upon
17 the interstate commission shall be ineffective and such
18 obligations, duties, powers, or jurisdiction shall remain in
19 the compacting state and shall be exercised by the agency
20 thereof to which such obligations, duties, powers, or
21 jurisdiction are delegated by law in effect at the time this
22 compact becomes effective.

23 DIVISION IX

24 MISCELLANEOUS

25 Sec. 67. Section 135.12, Code 2009, is amended by striking
26 the section and inserting in lieu thereof the following:

27 **135.12 Office of minority and multicultural health —**
28 **established — duties.**

29 1. The office of minority and multicultural health is
30 established in the department. The purpose of the office
31 is to improve the health of racial and ethnic minorities by
32 bridging communication, delivery, and service requirements,
33 and by providing customized services and practical approaches
34 to problems and issues encountered by organizations and
35 communities working to address the needs of these populations.

1 2. The office of minority and multicultural health shall be
2 responsible for all of the following:

3 a. Serving as the liaison and advocate for the department on
4 minority and multicultural health matters.

5 b. Assisting academic institutions, state agencies,
6 community groups, and other entities in institutionalizing
7 cultural competency within the health care workforce and
8 delivery system through education, training, and practice to
9 effectively address cross-cultural disparity and achieve health
10 equity.

11 c. Promoting community strategic planning.

12 d. Reviewing the impact of programs, regulations, and
13 health care resource policies on the delivery of and access to
14 minority and multicultural health services.

15 Sec. 68. Section 237B.1, Code Supplement 2009, is amended
16 to read as follows:

17 **237B.1 Children's centers.**

18 1. For the purposes of this section, unless the context
19 requires otherwise, "*children's center*" means a privately
20 funded facility designed to serve seven or more children at
21 any one time who are not under the custody or authority of
22 the department of human services, juvenile court, or another
23 governmental agency, and that offers one or more of the
24 following services:

25 a. Child care.

26 b. Child care for children with a chronic illness.

27 c. Respite care.

28 d. Family support services.

29 e. Medical equipment.

30 f. Therapeutic day programming.

31 g. Educational enrichment.

32 h. Housing.

33 2. a. A children's center shall not operate without a
34 license issued by the department of human services.

35 b. The department of human services shall consult with the

1 department of inspections and appeals, department of education,
2 Iowa department of public health, state fire marshal, and
3 community-based providers of services to children in adopting
4 rules establishing certification or licensing standards for
5 children's centers.

6 c. The department shall not issue a license for the
7 operation of a children's center unless the department has
8 performed an inspection and other checks to ensure the center
9 is in compliance with the standards adopted by the department.
10 The amount of the license fee for a children's center shall be
11 determined by the department, not to exceed the department's
12 actual costs to ensure compliance with the standards. License
13 fees shall be considered repayment receipts as defined in
14 section 8.2.

15 3. a. In establishing the initial and subsequent
16 standards, the department of human services shall review other
17 certification and licensing standards that are applicable
18 to the centers. ~~The standards established by the~~
19 ~~department~~ established standards shall be based upon existing
20 state regulatory requirements that apply to services most
21 similar to the services provided by the children's centers
22 and shall be broad facility standards for the protection of
23 children's safety.

24 b. The department shall also apply criminal and abuse
25 registry background check requirements for the persons who own,
26 operate, staff, participate in, or otherwise have contact with
27 the children receiving services from a children's center. The
28 background check requirements shall be substantially equivalent
29 to those applied under chapter 237 for a child foster care
30 facility provider.

31 c. The Except as necessary to ensure the health and safety
32 of the children receiving services in a children's center,
33 the department of human services shall not establish program
34 standards or other requirements under this section involving
35 program development or oversight of the programs provided to

1 the children served by children's centers.

2 Sec. 69. Section 453A.35, subsection 1, Code Supplement
3 2009, is amended to read as follows:

4 1. The proceeds derived from the sale of stamps and the
5 payment of taxes, fees, and penalties provided for under this
6 chapter, and the permit fees received from all permits issued
7 by the department, shall be credited to the general fund of
8 the state. However, of the revenues generated from the tax on
9 cigarettes pursuant to section 453A.6, subsection 1, and from
10 the tax on tobacco products as specified in section 453A.43,
11 subsections 1, 2, 3, and 4, and credited to the general fund
12 of the state under this subsection, there is appropriated,
13 annually, to the health care trust fund created in section
14 453A.35A, the first one hundred ~~seventeen~~ six million ~~seven~~
15 ~~hundred ninety-six~~ sixteen thousand four hundred dollars.

16 Sec. 70. Section 692A.115, Code Supplement 2009, is amended
17 to read as follows:

18 **692A.115 Employment where dependent adults reside.**

19 1. A Unless authorized as provided in subsection 2, a sex
20 offender shall not be an employee of a facility providing
21 services for dependent adults or at events where dependent
22 adults participate in programming and shall not loiter on the
23 premises or grounds of a facility or at an event providing such
24 services or programming.

25 2. An adult sex offender who is a patient or resident
26 of a health care facility as defined in section 135C.1,
27 a participant in a medical assistance program home and
28 community-based services waiver program, or a participant in a
29 medical assistance state plan employment services as part of
30 the participant's habilitation plan shall not be considered to
31 be in violation of subsection 1.

32 Sec. 71. 2010 Iowa Acts, Senate File 2088, section 361,
33 subsection 2, if enacted, is amended to read as follows:

34 2. If a provision of this Act or another enactment of
35 the Eighty-third General Assembly repeals section 135.173

1 and creates the early childhood Iowa state board in new
2 Code chapter 256I, the early childhood Iowa state board
3 shall fulfill the responsibilities assigned to the early
4 childhood Iowa council in subsection 1 and the department of
5 ~~education~~ management shall propose corrective legislation for
6 the provisions of this division of this Act in accordance with
7 section 2.16 for consideration by the Eighty-fourth General
8 Assembly, 2011 Regular Session.

9

EXPLANATION

10 This bill relates to and makes appropriations for health
11 and human services for fiscal year 2010-2011 to the department
12 of veterans affairs, the Iowa veterans home, the department on
13 aging, the department of public health, Iowa finance authority,
14 state board of regents, department of inspections and appeals,
15 and the department of human services. The bill is organized
16 into divisions.

17 DEPARTMENT ON AGING. This division appropriates funding
18 from the general fund of the state for the department on aging.

19 DEPARTMENT OF PUBLIC HEALTH. This division appropriates
20 funding from the general fund of the state for the department
21 of public health.

22 DEPARTMENT OF VETERANS AFFAIRS. This division appropriates
23 funding from the general fund of the state for the department
24 of veterans affairs.

25 DEPARTMENT OF HUMAN SERVICES. The division appropriates
26 funding from the general fund of the state and the federal
27 temporary assistance for needy families block grant to the
28 department of human services. The allocation for the family
29 development and self-sufficiency grant program is made directly
30 to the department of human rights.

31 An appropriation is made from the health care trust fund for
32 the medical assistance (Medicaid) program in addition to the
33 general fund appropriation made for this purpose.

34 The department is required to establish a transition
35 committee to develop a plan for improving coordination

1 and integration of mental health services and outcomes for
2 children, as well as alignment of the services and outcomes
3 with the child welfare system. Among other provisions, the
4 plan is required to address transitioning administration of the
5 remedial services program from a fee-for-service approach to
6 the Iowa plan, using the behavioral health managed care plan.
7 The committee is required to include various departmental
8 staff, the Iowa plan administrator, and providers and complete
9 the plan by December 31, 2010. The department may implement
10 the plan if it determines the plan meets legislative intent.

11 The reimbursement section addresses reimbursement for
12 providers reimbursed by the department of human services.

13 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT ACCOUNT,
14 IOWACARE ACCOUNT, HEALTH CARE TRANSFORMATION ACCOUNT, AND
15 MEDICAID FRAUD ACCOUNT. This division makes appropriations
16 for fiscal year 2009-2010 from the senior living trust fund to
17 the department on aging, the department of human services, the
18 department of inspections and appeals, and the Iowa finance
19 authority. The appropriation to the department of inspections
20 and appeals is made from the Medicaid fraud account.

21 The division makes an appropriation from the pharmaceutical
22 settlement account to the department of human services to
23 supplement the medical contracts appropriation.

24 The division makes appropriations from the IowaCare
25 account to the state board of regents for distribution to the
26 university of Iowa hospitals and clinics and to the department
27 of human services for distribution to a publicly owned acute
28 care teaching hospital in a county with a population over
29 350,000 related to the IowaCare program and indigent care. The
30 division makes an appropriation to the department of human
31 services from the health care transformation account for
32 various health care reform initiatives.

33 The division provides that if the total amount appropriated
34 from all sources for the medical assistance program for fiscal
35 year 2009-2010 exceeds the amount needed, the excess remains

1 available to be used for the program in the succeeding fiscal
2 year.

3 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FISCAL YEAR
4 2010-2011. This division allocates the appropriation made in
5 2009 Iowa Acts, chapter 179, for distribution to counties for
6 adult mental illness, mental retardation, and developmental
7 disabilities services allowed growth for fiscal year 2010-2011.

8 PRIOR APPROPRIATIONS AND RELATED CHANGES. This
9 division revises previously enacted appropriations and
10 appropriations-related provisions.

11 Under current law, Code section 135.105A authorizes the
12 expenditure of repayment receipts for lead training and
13 certification fees collected by the department of public
14 health. The bill requires the fees collected to be used for
15 any of the department's duties pertaining to the lead abatement
16 program, including but not limited to the costs of full-time
17 equivalent positions for lead training and certification
18 program services and investigations. The section applies to
19 any fees collected under Code section 135.105A during or after
20 fiscal year 2009-2010.

21 Code section 231.24, providing for regulation and
22 certification of retirement communities by the department
23 on aging, is amended to authorize the department to defer
24 implementation of the regulation as determined by the
25 department's director.

26 Code section 231.33, relating to the duties of the area
27 agencies on aging, is amended to eliminate a requirement for
28 an agency to require the annual completion by agency board of
29 directors members of four hours of training, provided by the
30 department on aging.

31 A requirement in 2008 Iowa Acts, chapter 1040, for the
32 department on aging to implement the initial provisions for
33 expanding and improving the training of those who deal with
34 persons with Alzheimer's and similar forms of irreversible
35 dementia by July 1, 2010, is instead made contingent upon the

1 availability of funding as determined by the department's
2 director.

3 A pilot project authorized in an amendment to 2008 Iowa
4 Acts, chapter 1187, for a regional service network for county
5 MH/MR/DD services, through June 30, 2010, is extended for an
6 additional year.

7 A nonreversion provision in 2008 Iowa Acts, chapter 1187,
8 section 68, in an appropriation for the Vietnam Conflict
9 veterans bonus fund is extended for an additional year through
10 fiscal year 2010-2011.

11 A nonreversion provision in 2008 Iowa Acts, chapter 1187,
12 section 69, in an appropriation made for the injured veterans
13 grant program is extended for an additional year through fiscal
14 year 2010-2011.

15 The fiscal year 2010-2011 amount of a multiyear
16 appropriation made to the department of human services in 2008
17 Iowa Acts, chapter 1188, to cover children under the medical
18 assistance, hawk-i, and hawk-i expansion programs and outreach
19 under the programs, is reduced.

20 An initiative in 2008 Iowa Acts, chapter 1188, requiring the
21 department of public health to establish a community coalition
22 for addressing patient treatment wishes based on the national
23 physicians orders for life sustaining treatment program, is
24 amended to eliminate the two-year period for the pilot and to
25 delay the completion date from June 30, 2010, to June 30, 2012.

26 A provision in 2009 Iowa Acts, chapter 118, section 38,
27 for the department of human services to adopt rules making
28 various process changes to the Medicaid program, is amended by
29 striking a requirement to extend the period for annual renewal
30 by program members by mailing the renewal form to the member on
31 the first day of the month prior to the month of renewal.

32 The fiscal year 2009-2010 appropriation to the Iowa veterans
33 home in 2009 Iowa Acts, chapter 182, section 3, is subject to
34 an existing nonreversion clause in Code section 35D.18. The
35 nonreversion authorization is modified to provide to designate

1 the first \$1 million for use by the veterans home, the next
2 \$1 million to be transferred to the appropriation made to the
3 department of human services for fiscal year 2010-2011 for
4 field operations, and the remainder for use by the veterans
5 home.

6 The 2009 Iowa Acts, chapter 182, section 5, fiscal year
7 2009-2010 appropriations of the federal Temporary Assistance
8 for Needy Families block grant is amended to provide that
9 unused funds remaining at the close of the fiscal year do not
10 revert but remain available in the succeeding fiscal year for
11 expenditure for the family investment program.

12 A provision in 2009 Iowa Acts, chapter 182, section 9,
13 appropriation for the Medicaid program that provides that
14 moneys remitted by the third party administering behavioral
15 health services and remaining in a separate account do not
16 revert but remain available for appropriation for health and
17 human purposes, is amended. The amendment continues to set
18 aside funding previously appropriated for implementation of the
19 emergency mental health crisis services and system, a mental
20 health services system for children or youth, and training of
21 child welfare services providers with the remainder of the
22 funds to be used for the Medicaid program.

23 The fiscal year 2009-2010 appropriation for the state
24 supplementary assistance program in 2009 Iowa Acts, chapter
25 182, section 12, is amended to include a nonreversion clause
26 providing that moneys remaining at the close of the fiscal year
27 will remain available to be used for the same purpose in the
28 succeeding fiscal year.

29 An allocation in 2009 Iowa Acts, chapter 182, section 14,
30 for a grant to a neighborhood affordable housing and services
31 organization for child development programming for the children
32 residing in the housing is amended to provide that the grant
33 funding does not revert at the close of fiscal year 2009-2010
34 but remains available until expended.

35 The amount of an appropriation from the IowaCare account

1 made in 2009 Iowa Acts, chapter 182, section 48, for
2 distribution to a publicly owned acute care hospital is
3 increased, with distribution above a certain amount made
4 subject to submission of actual and adjudicated claims.

5 A provision relating to development of a statewide
6 methodology for intellectual disabilities waiver slots is
7 included for implementation beginning July 1, 2010.

8 This division takes effect upon enactment.

9 INTERSTATE COMPACT FOR JUVENILES. This division replaces
10 the interstate compact on juveniles with a new interstate
11 compact for juveniles.

12 Code chapter 232, the juvenile justice code, is amended
13 to enact a new interstate compact for juveniles in new Code
14 section 232.173. The compact addresses how adjudicated
15 juveniles and status offenders are provided adequate
16 supervision and services in the states receiving the juveniles,
17 provides for addressing public safety concerns, provides for
18 returning juveniles who have run away, absconded, escaped, or
19 are accused of an offense requesting their return, provides for
20 contracting between states for cooperative institutionalization
21 of delinquent youth who need special services, provides for
22 effective tracking and supervision, provides for equitably
23 allocating costs, benefits, and obligations between the states,
24 and other similar related purposes.

25 The means for achieving the purposes outlined in the
26 compact is through rulemaking promulgated by the interstate
27 commission for juveniles, consisting of one representative from
28 each compacting state. A rule promulgated by the interstate
29 commission may be rejected if a majority of the compacting
30 states rejects the rule. The expenses of the interstate
31 commission are paid by assessing the compacting states
32 according to a formula to be adopted by the commission. Each
33 state is to create a state council consisting of specified
34 interests to provide oversight of the state's involvement in
35 the interstate commission. The state has the authority to

1 determine the qualifications of the compact administrator or
2 deputy compact administrator and to designate the state's
3 representative on the interstate commission.

4 The terms of the current compact took effect for the
5 compacting states in the fall of 2009 when the 35th state
6 approved entering the compact. The new compact replaces the
7 interstate compact on juveniles in Code section 232.171, which
8 is repealed by the bill. Code section 232.172, relating to
9 confinement of juvenile delinquents, is amended to provide that
10 for states that have approved the new compact, confinement is
11 governed by the new compact and for states that were part of
12 the compact being replaced, confinement is governed by terms of
13 that compact.

14 MISCELLANEOUS. This division includes miscellaneous
15 statutory changes.

16 Code section 135.12 is stricken and rewritten to replace
17 the office of multicultural health in the department of public
18 health with an office of minority and multicultural health.

19 Code section 237B.1, relating to children's centers designed
20 to serve seven or more children at one time who are not under
21 the custody or authority of the department of human services,
22 juvenile court, or another governmental agency and that offer
23 various types of child care, family, medical equipment, and
24 housing services, is amended to require licensing by the
25 department of human services. The department is required to
26 adopt rules establishing standards. License fee amounts are
27 to be based on the costs to ensure compliance and the fees are
28 considered repayment receipts and reserved for expenditure by
29 the department.

30 Code section 435A.35, relating to proceeds of tobacco
31 taxes and fees paid to the general fund and the standing
32 appropriation to the health care trust fund, is amended to
33 reduce the amount of the standing appropriation to the trust
34 fund.

35 Code section 692A.115, prohibiting persons on the sex

H.F. 2526

1 offender registry from employment in facilities providing
2 services for dependent adults, is amended to allow such
3 employment for adult offenders who are patients or residents
4 of a health care facility, participants in a Medicaid program
5 waiver program, or participants in Medicaid program state plan
6 employment services as part of the participant's habilitation
7 plan.